ment of the Chesapeake & Delaware Canal; to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Manufacturers' Association, favoring House bill 1953, providing for branding of convict-made goods; to the Committee on Labor.

By Mr. NEELY of West Virginia: Petition of the Methodist Episcopal Church of Mannington, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petitions of 29 citizens of Fennimore, 25 citizens of Yuba, 10 citizens of Boscobel and Cassville, and 39 citizens of Dane County, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of Mrs. Alice M. Martinsen and 33 other women voters, William J. Gallagher and 22 other citizens, Lewis O'Connor and 46 other citizens, E. J. Dunn and 28 other citizens, D. J. Fitzgerald and 316 other citizens, C. D. Dickey and 49 other citizens, Edward J. Warnecke and 30 other citizens, and Frank E. Plate and 40 other citizens, all of San Francisco, Cal., against the passage of the Hobson Nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'LEARY: Petition of the Manufacturers and Dealers' League and sundry citizens of New York City, the Retail Liquor Dealers' Association of the Borough of Queens, Flushing, N. Y., and 241 voters of the second New York congressional district, and the Driscoll Hotel, of Washington, D. C., protesting against national prohibition; to the Committee on Rules.

Also, petitions of various voters of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules

Also, petition of Manhem Lodge, No. 110, Independent Order of Odd Fellows, favoring passage of bill for memorial to John Ericsson; to the Committee on the Library.

Also, petition of sundry citizens of Long Island, N. Y., and the Queens and Nassau Sunday School Association, of the State of New York, represented by 1,000 delegates at Flushing, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of the Scandinavian Independent Progressive League of Greater New York, favoring memorial to John Ericsson; to the Committee on the Library.

By Mr. PETERS of Maine: Petition of 18 citizens of Maine, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Belfast, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of 400 voters of the twenty-sixth New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, petition of sundry citizens of Poughkeepsie, N. Y., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. RAKER: Resolutions of the San Francisco Retail Cigar Dealers' Association, of San Francisco, Cal., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Coffin, Redington Co., of San Francisco, Cal., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Red Bluff, Cal., favoring the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, resolutions of the city council of Richmond, Cal., favoring Senate bill 3677, providing for the granting of right-of-way privileges to Allen C. Rush to construct a suspension bridge across San Francisco Bay; to the Committee on Rivers and Harbors.

By Mr. REED: Petitions of John J. Coyne, secretary of the New Hampshire Federation of Labor; Joseph Sacco, of Portsmouth; Honore Girard, of Strafford; W. A. MacLean, of Center Harbor, all of New Hampshire; and Louis N. Hammerling, president American Association of Foreign Language Newspapers (Inc.), of New York City, opposing national prohibition of the liquor traffic; to the Committee on Rules.

Also, petitions of Elmer B. Osgood and 75 others, of the town of Boscawen; G. C. Waterman and 24 others, of Laconia; Charles Follett and 6 others, of Laconia; Mrs. Henry B. Copp, of Derry; and Rev. Henry B. Copp, of Londonderry, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. SLOAN: Petition of various voters of Fillmore County, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of New York: Petition of the Buffalo (N. Y.) District Epworth League, favoring national prohibition; to the Committee on Rules.

By Mr. STEENERSON: Petitions of Ole Nyphus and 25 other citizens of Thief River Falls and sundry citizens of Littlefork and Roosevelt, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the Santa Monica Bay Chamber of Commerce, of Ocean Park, Cal., and sundry citizens of Los Angeles, Cal., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Common Council of the city of Riverside, Cal., favoring the passage of the Hamill bill, relative to retirement of Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Mrs. Anna Shaw Yates, of Hollywood, Cal., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, memorial of the San Francisco Chamber of Commerce, protesting against passage of the Newlands bill, relating to flood control; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: Petitions of 1,015 voters of the thirty-third congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions signed by 5,500 constituents of the twenty-eighth congressional district of New York, protesting against the passage of the act for prohibition of the manufacture and sale of alcoholic beverages in the United States; to the Committee on Rules.

By Mr. TOWNER: Petitions of citizens of Moulton, Exline, and Mystic, all in the State of Iowa, favoring the enactment of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of the State of Arkansas, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the State of Arkansas, favoring passage of bill to amend the postal and civil-service laws; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *May 27, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we look to Thee to inspire and to answer our prayer. We come to Thee with a heart-hunger that has never been satisfied in all the gifts of Providence in this life. We come to Thee amid the unrest of life that hath found no abiding city. One by one we pass out into the great beyond, into the unseen which we believe to be eternal. Shadows lie athwart our pathway. We lift our hearts to Thee, the source of light and life and power. We thank Thee for the light that gleams along the pathway. We pray that Thou, amidst the encircling gloom, will lead us on, and when the shadows break may our eyes open to the light of an eternal day. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 27, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Ashurst	Burton	Clark, Wyo.	Johnson
Brady	Catron	Crawford	Jones
Brandegee	Chamberlain	Culberson	Kenyon
Bristow	Chilton	Gallinger	Kern
Bryan	Clapp	Hitchcock	La Follette

Lane	Perkins	Shively	Tillman
Lodge	Pittman	Simmons	Vardaman
McCumber	Pomerene	Smith, Md.	Weeks
McLean	Ransdell	Smith, S. C.	White
Martin, Va.	Robinson	Sterling	Williams
Myers	Root	Sutherland	Works
Nelson	Saulsbury	Swanson	
O'Gorman	Shafroth	Thompson	
Page	Sheppard	Thornton	

Mr. GALLINGER. I beg to announce that the senior Senator from Utah [Mr. SMOOT] is absent from the city on public business.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is absent on official business of the Senate.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. KERN. I desire to announce the absence of the Senator from Kentucky [Mr. JAMES], the senior Senator from New Jersey [Mr. MARTINE], the senior Senator from North Carolina [Mr. OVERMAN], and the junior Senator from Arizona [Mr. SMITH], who are attending the funeral of the late Senator Bradley. I desire also to announce the unavoidable absence of the Senator from Georgia [Mr. SMITH]. These announcements may stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on business of the Senate, and also that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent from the Senate.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, in which it requested the concurrence of the Senate.

INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE.

Mr. LODGE. I ask that the joint resolution just received from the House be laid before the Senate and read at length.

The joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the Government of the French Republic to the Government of the United States to participate by delegates in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held at Paris from the 8th to the 10th of June, 1914: *Provided*, That no appropriation shall be granted for expenses of delegates or for other expenses incurred in connection with the said conference.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. LODGE. I am authorized by the Committee on Foreign Relations to report back favorably the joint resolution.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask for its immediate consideration?

Mr. LODGE. I ask for its immediate consideration. The congress meets the 10th of June, and action must be taken at once.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Harrisburg, Whitehaven, Jamestown, Greenville, Natrona, Belle Vernon, St. Petersburg, Uniontown, Ambler, New London, Clearfield, Germantown, and Beaver Falls, all in the State of Pennsylvania; of Dinuba, Willows, Gridley, Clearwater, Oakland, Fort Bragg, and Los Angeles, all in the State of California; of Newton, Clay Center, Frankfort, and La Crosse, all in the State of Kansas; of Penrose, Colo.; of Washington, Morning Sun, and Reasnor, all in the State of Iowa; of Mabel and Owatonna, in the State of Minnesota; of Brooklyn and McGrawville, in the State of New York; of Marceline, Kansas City, and Savannah, all in the State of Missouri; of Windsor, Griggsville, Pesotum, East St. Louis, Peoria, Good Hope, and Libertyville, all in the State of Illinois; of Parkersburg and Wheeling, in the State of West Virginia; of Haines and Portland, in the State of Oregon; of Overpeck, Toledo, and Cincinnati, all in the State of Ohio; of Stewart, Wyo.; of Boston, Mass.; of Washington, D. C.; of Winterhaven, Fla.; of Winona Lake, Ind.; of Irrington, N. J.; of Fargo, N. Dak.; of Mount Vernon, S. Dak.; of Stevens Point, Wis.; and of Sterling, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Wellsville, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Haviland Quarterly Meeting of Friends, at Coldwater, Kans., praying for the enactment of legislation to provide national censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Napa, Boulder Creek, Watsonville, and of Orange County; of the congregation of the North Pasadena Methodist Church, of Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the pupils and teachers of the West Riverside School, of Riverside, Cal., praying for the enactment of legislation looking to the preservation of the national forests, which was referred to the Committee on Agriculture and Forestry.

Mr. CATRON presented memorials of sundry citizens of New Mexico, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Silver City, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Motley, St. Paul, Winnebago, Minneapolis, Madison, Northome, Duluth, Long Lake, Grand Rapids, Fairfax, and Ogilvie, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Minneapolis, Shakopee, and Duluth, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Suffrage Association of Duluth, Minn., praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was referred to the Committee on the Judiciary.

He also presented a petition of the German-American Central Alliance, of St. Paul, Minn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. MYERS presented petitions of the Christian Endeavor Society of the Presbyterian Church of Belgrade, of the Christian Endeavor Society of the Presbyterian Church of Spring Hill, of the Christian Endeavor Society of the Christian Church of Butte, of the Christian Endeavor Society of the Presbyterian Church of Cut Bank, of the Christian Endeavor Society of the Presbyterian Church of Polson, of the Christian Endeavor Society of the Congregational Church of Anita, of the Christian Endeavor Society of the Christian Church of Chance, of the Christian Endeavor Society of the Christian Church of Anaconda, of the Christian Endeavor Society of the Christian Church of Kalispell, and of the Christian Endeavor Society of the Christian Church of Eureka, all in the State of Montana, and of the Christian Endeavor Society of the Union Presbyterian Church, of Powell, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Dillon and Deer Lodge, in the State of Montana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Milan, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the congregation of the Protestant Episcopal Church of the diocese of Los Angeles, Cal., praying for the enactment of legislation providing for an increase in the number of chaplains in the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Church of North Pasadena, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufac-

ture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of San Francisco and Los Angeles, in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CUMMINS presented telegrams in the nature of memorials from sundry citizens of Clinton and Dubuque, and memorials of sundry citizens of Davenport, Sioux City, Dubuque, Arlington, and Oelwein, all in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Cedar Falls, Doon, Bedford, Council Bluffs, Oskaloosa, Cheriton, Gravity, Fort Madison, Brooklyn, Burlington, Garwin, Oelwein, and Sac City, all in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of James H. Bowker & Co., of Meriden, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the State executive committee of the Young Men's Christian Association Auxiliaries of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Association of Bridgeport, Conn., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. OLIVER presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide for the acquisition by the United States Government of the Chesapeake & Delaware Canal, which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," which was referred to the Committee on Commerce.

He also presented a petition of the Pennsylvania Manufacturers' Association, of Philadelphia, Pa., praying for the enactment of legislation for the purpose of enabling the various States to enforce any laws they may have providing for the branding of convict-made goods without affecting the States which have no law, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry local unions of the United Mine Workers of Pennsylvania, praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Thames River Lodge, No. 496, Brotherhood of Railroad Trainmen, of New London, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Court of Common Council, of Norwich, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. DU PONT presented a petition of the Central Bureau of Philadelphia Yearly Meeting of Friends of Pennsylvania, praying for national prohibition, which was referred to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE BUILDING.

Mr. WORKS. Mr. President, I have here a memorial from the Southern California Chapter of the American Institute of Architects relating to the architectural work on the proposed building for the Department of Justice. It contains some very interesting facts and data. I ask that it may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the memorial was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

AMERICAN INSTITUTE OF ARCHITECTS,
OFFICE OF THE SECRETARY,
Los Angeles, Cal., May 21, 1914.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: The Southern California Chapter of the American Institute of Architects herewith begs to inclose a statement prepared by the institute's committee on Government architecture, relating to the matter of the building for the Department of Justice in Washington, D. C., and also a detailed account of the competition, the subsequent developments, and the legislation referred to in the statement.

As the institute has been unable to secure assurances from the United States Treasury Department that the Government will abide by the results of the competition, this chapter earnestly requests of you to use all your influence in order that the matter of the bill now under consideration in the House and the parallel legislation that is to be introduced in the Senate may receive serious consideration.

Yours, respectfully,

FERNAND PARMENTIER, *Secretary.*

STATEMENNT IN THE MATTER OF THE DEPARTMENT OF JUSTICE BUILDING.

In May, 1908, an appropriation of $2,500,000 was made to purchase land for a group of Government buildings for the Departments of State, of Justice, and of Commerce and Labor.

This project was looked upon as so important that the Secretary of the Treasury decided to institute a competition to select an architect for each of these three buildings. To assure the widest opportunity of choice 60 of the leading architects in the United States received and accepted an invitation to compete, 20 being invited for each building.

The program was perfectly definite in its statements that the competition was for the selection of three architects to whom the erection of these buildings would be awarded, stating that "the selection of one of the designs by the Secretary of the Treasury and its subsequent approval by the President, the Secretary of the Treasury, and the head of the department to occupy the building would be final and conclusive," and, further, "that the successful competitor would be designated to prepare drawings and specifications and locally supervise the construction of the building."

The competition was judged by three separate juries, composed of five architects each. The award was made January 6, 1911. The 60 competitors and 15 judges acted throughout in the belief that the Government, in good faith, had committed itself to the award and to the execution of these three buildings by the architects selected.

The three winners were called upon to develop and harmonize their plans, and a contract for the architectural services in connection with the building for the Department of Justice was signed August 28, 1911. It constituted a definite contract for preliminary services as far as the appropriation enabled the department to act at that time, and stated that the supplementary contract would be made when the building was authorized.

The first payment was made to the winner of the building for the Department of Justice on September 11, 1911, in amount of $19,431.85. This was a partial payment on account of the preliminary contract, and represented not only what was due at that time for the competition drawings, but also eight months' work in revising and completing the preliminary drawings.

Work was continued on the plans by the winner until the spring of 1913, when he was advised by the Supervising Architect of the Treasury not to do any further work. Subsequent to this he was notified in January, 1914, to go to Washington to discuss changes in the position of the building and to prepare another estimate of cost, thereby receiving assurance that the administration proposed to carry on its agreement with him.

H. R. 12801, a bill for an appropriation for the Department of Justice, followed along the same lines and provided that the architect selected in the competition should execute this building. The Attorney General gave evidence on this bill at a hearing on February 6, 1914, and the Secretary of the Treasury gave evidence at a hearing on February 25, 1914, opposing this bill and proposing in its place H. R. 13870, the bill now under consideration, which gives authority to a commission to appoint an architect, either by competition or selection, to render partial services in the preparation of the plans under the control of the Supervising Architect. While it is true that this bill does not definitely state that the architect already selected by the competition would not be appointed as the architect of the building, yet inasmuch as this bill, which specifically puts it in the power of the commission to appoint an architect other than the architect already selected, takes the place of a prior bill introduced in the House, which gave definite assurance that the building would be built according to the designs of the architect originally selected, the assumption is plain that if it was the intention of the Government to proceed along the original lines no change would have been made in the bill first introduced.

The details of the case, which in the statement given above have chiefly to do with the building for the Department of Justice, because that building is the only one now under consideration, do not affect the great question involved, namely, that of national fair play. The Government, through its authorized agents, made a promise which was accepted in good faith. No reason has been advanced for breaking that promise, and the subsequent change of method in the administration of governmental architecture as now advocated by the Government should not affect the fulfillment of a promise previously made.

NEW YORK, *May 9, 1914.*

DETAILED STATEMENT.

The Government competition held in the latter part of 1910 for the three buildings for the Department of State, Department of Justice, and Department of Commerce and Labor was, taken as a whole, the

largest and in some respects the most important that has ever been instituted in this country. Sixty of the leading architects of the country were invited by the Government to compete, and accepted. Twenty architects competed for each of the three buildings. The competition was carefully conducted by the Department of the Treasury, judged by expert jurors, the decision of the jury confirmed, and the award finally made to three architects.

The following is the list of competitors and jury for each of the three buildings:

DEPARTMENT OF STATE.

1. Arnold W. Brunner, New York City.
2. James Gamble Rogers, New York City.
3. Warren & Wetmore, New York City.
4. H. Van Buren Magonigle, New York City.
McKim, Mead & White, New York City.
D'Oench & Yost, New York City.
Nathan C. Wyeth, Washington, D. C.
Hornblower & Marshall, Washington, D. C.
George Cary, Washington, D. C.
John Galen Howard, San Francisco, Cal.
Pond & Pond, Chicago, Ill.
Frank Miles Day & Bro., Philadelphia, Pa.
Rankin, Kellogg & Crane, Philadelphia, Pa.
Kelsey & Cret, Philadelphia, Pa.
Shepley, Rutan & Coolidge, Boston, Mass.
Allen & Collens, Boston, Mass.
Parker, Rice & Thomas, Boston, Mass.
F. M. Andrews & Co., Boston, Mass.
Hubert G. Ripley, Boston, Mass.
Wyatt & Nolting, Baltimore, Md.

JURY.

E. V. Seeler, of Philadelphia, who was invited to compete, but could not do so.
John V. Van Pelt, J. R. Pope, and Raymond F. Almirall, of New York.
Herbert Langford Warren, of Boston.

DEPARTMENT OF JUSTICE.

1. Donn Barber, New York City.
2. Cass Gilbert, New York City.
3. Percy Griffin, New York City.
4. Parker & Thomas, Baltimore, Md.
Trowbridge & Livingston, New York City.
Carrere & Hastings, New York City.
Howells & Stokes, New York City.
Bannister & Schell, New York City.
Butler & Rodman, New York City.
Edward P. Casey, New York City.
Albert E. Ross, New York City.
Lord & Hewlett, New York City.
Palmer & Hornbostel New York City.
Delano & Aldrich, New York City.
C. L. W. Eidlitz, New York City.
Frost & Granger, Chicago, Ill.
Bliss & Faville, San Francisco, Cal.
C. H. Blackall, Boston, Mass.
Andrew, Jacques & Rantoul, Boston, Mass.
Wheelwright & Haven, Boston, Mass.

JURY.

J. M. Carrere, of Carrere & Hastings, who was invited to compete, but was unable to do so.
J. Milton Dyer, of Cleveland.
Russell Clipston Sturgis, of Boston.
N. C. Ricker, head of the school of architecture in the University of Illinois.
Alexander B. Trowbridge, head of the architectural school in Cornell University.

DEPARTMENT OF COMMERCE AND LABOR.

1. York & Sawyer, New York City.
2. Tracy, Swartout & Litchfield, New York City.
3. H. Friedlander, New York City.
4. George B. Post & Sons, New York City.
Babb, Cook & Welch, New York City.
Lafarge & Morris, New York City.
Francis H. Kimball, New York City.
Kenneth M. Murchison, New York City.
Wood, Donn & Deming, Washington, D. C.
Peabody & Stearns, Boston, Mass.
Bigelow & Wadsworth, Boston, Mass.
Eames & Young, St. Louis, Mo.
T. C. Link & Son, St Louis, Mo.
Mauran & Russell, St. Louis, Mo.
Donaldson & Meier, Detroit, Mich.
Holabird & Roche, Chicago, Ill.
Abram Garfield, Omaha, Nebr.
Green & Wicks, Buffalo, N. Y.
Richards, McCarty & Bulford, Columbus, Ohio.

JURY.

Pierce Anderson, of Chicago.
Henry Bacon, of Philadelphia.
Glenn Brown, secretary of the American Institute of Architects.
John B. Pine and D. Everett Waid, of New York City.

The program for this competition, which was issued in September, 1910, stated that "This competition is one of three which will be instituted simultaneously for the selection of three architects, to whom the erection of the three buildings for the Department of State, Justice, and Commerce and Labor will be awarded."

It was therefore a competition for the selection of an architect, not necessarily for the selection of a design, and the architect was to be intrusted with the erection of the building. The program further stated that "The selection of one of the designs by the Secretary of the Treasury, and its subsequent approval by the President, the Secretary of the Treasury, and the head of the executive department to occupy the building shall be final and conclusive."

The program further stated that "The architect to whom the commission is awarded shall revise his competitive drawings to meet the further requirements of the Secretary of the Treasury and the officials of the department to occupy the building, and upon the basis of these revised preliminary drawings shall prepare full detailed working drawings and specifications for said building, and shall thereafter from time to time make such changes in the drawings and specifications as may be directed by the Secretary of the Treasury, for which just compensation shall be allowed; but no changes in the drawings and specifications shall be made without written authority from the Secretary of the Treasury.

"The architect (or architects) to whom said commission shall be awarded will receive in compensation for full professional services, including local supervision of the building, a fee computed at the rate of 6 per cent upon the cost of the work executed from his drawings and specifications and under his superintendence. The sum upon which the architect's commission is to be computed shall be the actual construction cost of the building as ascertained from the net amount of contracts awarded and proposals accepted for additions or deductions."

The conditions of the competition and the interest expressed in the program were accepted not only by the 60 architects competing but by the American Institute of Architects, the profession at large, by the President and Cabinet, by Congress, by the press, and the public at large.

The competition drawings were finally delivered as required at the Office of the Supervising Architect of the Treasury in Washington, on December 30, 1910. The competitions were judged and notifications were received from Secretary of the Treasury MacVeagh as to the awards on January 6, 1911, and the successful architects found to be for the Department of State, Arnold W. Brunner; Department of Justice, Donn Barber; and Department of Commerce and Labor, York & Sawyer.

A public exhibition of all of the competitive drawings was held in Washington, and the entire matter received very wide publicity in the press and aroused throughout the country general approbation and enthusiasm.

Shortly after the competitions were won Messrs. Brunner, Barber, and York & Sawyer were called together by the then Secretary of the Treasury, Hon. Franklin MacVeagh, and were instructed by him to develop their individual buildings with the heads of the departments for which they were intended, having constantly in view at the same time the reconciliation of the designs to each other and the architectural harmony of the group as a whole.

They were asked to harmonize the façades, which was not a serious matter, as it happened, and to present as soon as possible all three buildings in group form, both in plan and elevation, for the consideration of the Commission of Fine Arts. Soon after this a meeting was held with the Commission of Fine Arts, when certain further instructions were received. The work then proceeded, including the study of a more detailed plan arrangement for each building. All this represented considerable effort and expense, took several months, and lasted well into the summer.

On June 16, 1911, the three architects again appeared before the Commission of Fine Arts in Washington, with the required block plans and elevations, bird's-eye views, and perspective sketches of the group. At this meeting the approval of the general preliminary plans was received, which approval is on record, and was transmitted in writing to Hon. Charles D. Hillis, then Secretary to the President. A day or two later the three architects were called to a meeting with the President and his Cabinet, in the White House, and there this same series of drawings was carefully examined, passed on, and approved in general by them.

The plans of the buildings were then taken up separately with the respective departments, and the drawings for the Department of Justice were finally approved and received the signature of the President, Secretary of the Treasury, Attorney General, and the Supervising Architect, all on August 22, 1911. In the meantime there had been filed with the Supervising Architect of the Treasury estimates for this building, in the form required by him, which estimates were accepted, placed on file, and a contract was prepared under date of July 24, 1911. This contract was finally executed on August 28, 1911, after the drawings had been signed and approved, and a first payment was then made to Donn Barber on September 11, 1911, in the sum of $19,431.85. This completed the conditions required by the program of competition, and then a more detailed study of the drawings was begun with a view to the making of final working drawings. The contract awarded was in the nature of a preliminary contract and called for certain mentioned services to be rendered, for all of which the Government was to pay $48,579.64.

The reason the contract was drawn in this form was that, of the $200,000 called for to be used for designs and estimates for the three buildings, only $160,000 had been actually appropriated. The net balance available from this appropriation was $158,203.36, $1,786.64 having been expended for the compensation of the judges, expense of the competition, etc. This balance added to the $40,000 left to be appropriated made a total of $198,203.36, which amount was then divided proportionately among the three architects of the three buildings—Mr. Brunner, $56,269.94; Donn Barber, $48,579.64; and York & Sawyer, $93,353.78. The contracts were made, therefore, to the full extent of the moneys held available, and the services required under these contracts were proportioned to these amounts.

It was then further agreed in the contracts that in the event that Congress should hereafter grant the necessary authority therefor the Government would enter into supplemental contracts for the further architectural services required in connection with the erection and completion of the buildings and pay a total of 6 per cent for the full services to be rendered.

The preliminary contract was a contract distinctly showing the intent and willingness on the part of the Government to proceed in the usual way should Congress finally decide to go ahead with the work.

Nothing further was done by the Department of the Treasury until just before the last administration went out on March 4, 1913. Secretary MacVeagh, under date of February 28, 1913, wrote a letter to Congress recommending that authority be given the Secretary of the Treasury to enter into contracts to provide sufficient accommodations for the several departments, and that the appropriation known as "Architectural competitions" be made available for the payment of fees to the architects, and accompanying this was a draft of a bill, in which is stated in the last paragraph "That the Secretary of the Treasury be, and he is hereby, further authorized and empowered to enter into supplemental contracts with each of the architects whose designs have been accepted for the department buildings hereinabove authorized," etc.

This bill of Secretary MacVeagh's, of course, coming so late, was never passed, but the intent plainly expressed all the way through all of the negotiations, letters, and in the contract is that the successful architect of the competition had the approval and support of the administration and was surely promised the execution of the building. In other words, as far as the competitors were concerned, they were plainly invited to compete for the building and not merely for sketches and

estimates for the building. It seems that herein lies the real moral obligation willingly incurred by the Government.

When the present administration came in the needs for the building for the Department of Justice were found to be pressing. Attorney General McReynolds therefore introduced a bill asking for an appropriation for $3,000,000 for the building and contemplating the employment of the architect to whom this work had been awarded in competition, namely, Mr. Donn Barber. The Secretary of the Treasury in perfecting plans for a more complete organization of the Office of the Supervising Architect of the Treasury, believing that all Government work should be executed under the supervision of this department, and in pursuance of this policy, believing that the supervision of this building should not be intrusted to the architect and that his compensation should be based not on full service but on partial service, put in a substitute bill referred to below. Whether or not his policy in regard to the Office of the Supervising Architect is a wise one or not, it seems hardly applicable to this case, where the Government has already committed itself, as far as possible, to another course.

The bill drawn by Attorney General McReynolds, H. R. 12801, was drawn during the absence of the Secretary of the Treasury in the West. On hearing of it and finding that it did not conform to his policy, he had a bill drawn and presented to Congress, H. R. 13870, which gives the commission in charge of this building the authority to disregard the previous obligation entered into by the Government and distinctly directs that the architect appointed to carry out this work shall not supervise the erection of the building.

The rest of the history is shown by these two bills, H. R. 12801 and H. R. 13870, appended hereto, and by the No. 10 hearing before the Committee on Public Buildings and Grounds, House of Representatives, on H. R. 12801, buildings for the Department of Justice, February 6, 1914, which is the hearing of Mr. McReynolds before the committee; and No. 14 hearing before the Committee on Public Buildings and Grounds, House of Representatives, on H. R. 12801, building for the Department of Justice, February 25, 1914, which is the hearing of Mr. McAdoo before the same committee; and the report, No. 368, of the same committee accompanying H. R. 13870, March 11, 1914, which reports the bill favorably to the House of Representatives.

NEW YORK, *May 9, 1914.*

REPORTS OF COMMITTEES.

Mr. JOHNSON. I am directed by the Committee on Claims, to which was referred the bill (H. R. 1005) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him, to submit an adverse report (No. 559) thereon. I ask that the bill may be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4988) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., reported it with amendments and submitted a report (No. 561) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796), reported it without amendment and submitted a report (No. 560) thereon.

Mr. NORRIS. I am directed by the Committee on Claims, to which was referred the bill (S. 1125) for the relief of the heirs of Ann Gregory, deceased, to submit an adverse report (No. 562) thereon. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. NORRIS. I am directed by the Committee on Claims, to which was referred the bill (S. 1289) for the relief of Lemuel E. Cook, to submit an adverse report (No. 563) thereon. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

INTERNATIONAL DENTAL CONGRESS.

Mr. SAULSBURY. From the Committee on Foreign Relations I report back favorably with an amendment in the nature of a substitute the joint resolution (S. J. Res. 105) authorizing the President to appoint delegates to the International Dental Congress to be held in London, England, August 3 to 8, 1914, and I submit a report (No. 558) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and to insert:

That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August 3 to 8, 1914, and is authorized to appoint 15 delegates to such Congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress."

ENFORCEMENT OF ALASKAN LAWS.

Mr. PITTMAN. From the Committee on Territories I report back favorably, without amendment, the bill (H. R. 11740) to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, and I ask unanimous consent for its present consideration. I will state that the bill has passed the other House as an emergency measure. It has been approved by the members of the Committee on Territories of the Senate. The passage of the bill is essential to prevent the necessity of calling a special session of the Territorial Legislature of the District of Alaska. By some defect in the legislation, the district courts and the district officers have no jurisdiction over the matter of the collection and enforcement of the payment of taxes and other dues.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That nothing in that act of Congress entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions, and such prosecutions shall be in the name of the Territory.

Mr. CLARK of Wyoming. Mr. President, it is not my purpose to object to this proposed legislation, because I do not like to object to legislation pertaining to the Territory of Alaska, but if I may be allowed to make the statement, I will say that, in my judgment, this bill proposes to confer upon the proposed Legislature of the Territory of Alaska powers equal to the powers of Congress and far in excess of any powers ever granted to any legislature in the history of the Government. It proposes to give unlimited power to the Legislature of the Territory of Alaska to impose upon the officers appointed, from justices of the peace up to the Federal judges, marshals, and United States attorneys, any duties that it chooses to place upon such officers that are not inconsistent with some law of Congress. Of course, there is no law of Congress inconsistent with it; but it seems to me it is giving pretty sweeping powers. The bill ought to be very carefully guarded. I suppose the committee has fully considered the matter.

Mr. LA FOLLETTE. I object to the present consideration of the bill. I wish to have an opportunity to examine it with some care.

The PRESIDING OFFICER. Objection is made, and the bill will be placed on the calendar.

Mr. PITTMAN subsequently said: In behalf of the Committee on Territories, I ask leave to withdraw the report on House bill 11740.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INTERNATIONAL EXPOSITION OF SEA FISHERY INDUSTRIES.

Mr. LODGE. For the senior Senator from New York [Mr. ROOT], who is obliged to be absent from the city, I report from the Committee on Foreign Relations a joint resolution for which I ask present consideration.

The joint resolution (S. J. Res. 151) authorizing the President to accept an invitation to participate in an international exposition of sea fishery industries was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of France to that of the United States to be represented by a delegate at an International Exposition of Sea Fisheries, to be held at Boulogne-sur-mer, June 15 to October 1, 1914: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF OCCUPATIONAL DISEASES.

Mr. SUTHERLAND. I report from the Committee on Foreign Relations a joint resolution authorizing the President to accept an invitation to participate in the International Congress of Occupational Diseases, for which I ask present consideration.

The joint resolution (S. J. Res. 152) authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Austria-Hungary to that of the United States to be represented by delegates in an International Congress on Occupational Diseases, to be held at Vienna, September, 1914; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of participation by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF NEUROLOGY, ETC.

Mr. O'GORMAN. From the Committee on Foreign Relations I report a joint resolution authorizing the President to accept an invitation to participate in the International Congress on Neurology, Psychiatry, and Psychology, and I ask for its present consideration.

The joint resolution (S. J. Res. 153) authorizing the President to accept an invitation to participate in the International Congress on Neurology, Psychiatry, and Psychology was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Switzerland to the Government of the United States to be represented by delegates in an International Congress on Neurology, Psychiatry, and Psychology, to be held in Berne, Switzerland, from September 7 to September 12, 1914; and the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of participation by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5675) donating a bronze or brass condemned cannon to Crocker Post, Grand Army of the Republic, at Des Moines, Iowa, for cemetery purposes; to the Committee on Military Affairs.

A bill (S. 5676) granting an increase of pension to William H. Sperry (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5677) to amend the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912; to the Committee on Interoceanic Canals.

A bill (S. 5678) authorizing the Secretary of War to donate to the Blue Post, No. 250, Grand Army of the Republic, Topeka, Kans., three cannon or fieldpieces, to be placed in Rochester Cemetery; and

A bill (S. 5679) to remove the charge of desertion against Adam R. Hartzell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5680) granting a pension to Lyman E. Tibbits (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5681) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on Public Lands.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 5682) granting an increase of pension to Catherine E. Prine; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5683) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, all reservations that are not needed for naval purposes; to the Committee on Naval Affairs.

By Mr. SHIVELY:

A bill (S. 5684) to correct the military record of Oliver C. Rice and to grant him an honorable discharge; to the Committee on Military Affairs.

A bill (S. 5685) granting a pension to Martha E. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5686) granting a pension to Nancy Matsel; to the Committee on Pensions.

PANAMA CANAL TOLLS.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $50,000 for defraying the expenses incident to the Fifteenth International Congress against Alcoholism, to be held in the United States in 1915, etc., intended to be proposed by him to the Diplomatic and Consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $200,000 for building slip and equipment at the navy yard, Puget Sound, Wash., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. JAMES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

EMELIE SMITH.

Mr. NELSON submitted the following resolution (S. Res. 378), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Emelie Smith, mother of Eli Smith, late a messenger to the Committee on the Five Civilized Tribes of Indians a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADMINISTRATION OF THE GENERAL LAND OFFICE.

Mr. MYERS. I have received the manuscript of an extremely interesting pamphlet on the history and administration of the General Land Office, by Francis H. White, professor of history in Pomona College, Claremont, Cal. I desire to have the manuscript printed as a Senate document, and I ask that it be referred to the Committee on Printing with the view to having it published as such.

The PRESIDING OFFICER. The matter will be referred to the Committee on Printing for action.

CRIMINAL PROCEDURE IN ENGLAND.

Mr. GORE. I desire to have printed as a public document a report of the special committee representing the American Bar Association appointed to investigate the English criminal law procedure and to recommend important reforms in American criminal law procedure. I ask that the report may be referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDING OFFICER. The report will be referred to the Committee on Printing for action.

BANKING AND CURRENCY.

The PRESIDING OFFICER. Morning business is closed.

Mr. SHAFROTH. Mr. President, some time ago, in criticism of the administration of President Wilson, a Senator, in referring to the banking and currency bill passed during this Congress, said:

The passage of it was an abject surrender to Wall Street and the banking interest.

If that statement were true it would indeed be a serious accusation. It is therefore important to inquire as to the verity of the statement. Mr. A. B. Hepburn, chairman of the board of directors of the Chase National Bank, of New York City, perhaps more nearly than any other man in the United States, represents the sentiment of the bankers of Wall Street. His contentions, therefore, may be considered as voicing the sentiment of the New York bankers.

BANKERS WANTED 1 CENTRAL BANK, BUT 12 WERE ESTABLISHED.

Mr. Hepburn was also chairman of the conference of the American Bankers' Association, which met in Chicago on August 22 and 23, 1913, and in his opening address contended for one central bank, saying:

Why should not the law create one central bank, which should have branches wherever there is commercial need for them? Such a plan would be acceptable, less cumbersome, more certain in operation, and far more efficient.

The American Bankers' Association was in favor of a central bank, but contended for not more than five Federal reserve banks if it was impossible to restrict the number to one. At the Chicago conference this was the resolution unanimously adopted:

It is the sense of this conference that one Federal reserve bank, with as many branches as the commerce of the country may require, would be most effective; but if this be not obtainable, we recommend that as few Federal reserve banks be established as possible and not more than a total number of five.

Was it "an abject surrender to Wall Street and the banking interest" when the Congress determined, over their protest, that not less than 8 nor more than 12 Federal reserve banks should be established?

Why did Wall Street want one central reserve bank? It knew that as New York was the financial center of the United States, in all likelihood the one bank would be established in that city. It knew from past experience that the concentration of such enormous wealth in one city would perpetuate in Wall Street not only the control of the banking interests of the United States but also the power to control nearly every large new railway, commercial, and industrial enterprise to be undertaken in this country.

The hearings before the Pujo committee demonstrated that the large banking concerns of New York City are so connected by interlocking directorates, by ownership of stock, and by gentlemen's agreements that it is almost impossible for new, legitimate enterprises of any magnitude to be floated without the consent of the great New York bankers. The men owning the stock of the big banks of New York have large holdings in the great transportation, commercial, and industrial corporations of the United States. Any application for the financing of a competing enterprise, however meritorious, is often turned down by the bankers of New York because of the competition which will be created with the corporations in which they are interested, and thereby these great banks prevent the development which is so necessary to the upbuilding of our country. So long as there would be one central bank, this immense financial power could be wielded, as it heretofore has been, in the interest of those banks whose directors and stockholders are interested in or control the great transportation and industrial corporations.

The Wilson administration objected to the continuation of this power in Wall Street. It insisted that this concentration of wealth should be divided, so that there could be competing centers in the matter of banking and of the financing of new enterprises throughout the United States; that the hundreds of millions of reserves of national banks of the country should no longer be concentrated in New York. It therefore determined that there should be 12 Federal reserve banks; that the jurisdiction of the Federal reserve bank at New York should be limited, so that in that section at least three Federal reserve banks should be the centers of the great financial wealth of that portion of the country. A Federal reserve bank at Boston, with jurisdiction covering New England, and at Philadelphia, with jurisdiction covering Pennsylvania and New Jersey, should so divide this immense power which Wall Street has had that the banking centers of Boston and Philadelphia could compete with New York in the financing of new enterprises in the United States. It determined that the reserves in each of the 12 districts should be kept at the Federal reserve bank of that district; in other words, that the moneys should be kept where they belong—at home.

Was that action the Wilson administration "an abject surrender to Wall Street and the banking interest"? If doing directly contrary to the expressed desires of Wall Street and the banking interest would indicate anything, it would be that the Wilson administration was determined to curb this power in Wall Street, which has strangled so many new, meritorious enterprises.

THE BANKERS OBJECTED TO THE COMPULSORY REQUIREMENT OF THE BILL, BUT FAILED TO GET MODIFICATION.

Mr. Hepburn and the bankers objected strenuously to what they termed the coercive feature of the bill, which provides that if any national banking association shall "fail within one year after its passage to become a member bank, or fail to comply with any of its provisions applicable thereto, all of the rights, privileges, and franchises of such association granted to it under the national-bank act shall be thereby forfeited." If there was one provision of the bill above another which met the united opposition of both Wall Street and the banking interest it was this compulsory feature.

Mr. Festus Wade, one of the delegates from the American Bankers' Association, who appeared before the Committee on Banking and Currency of the Senate, used this language:

Again, to many of us, and I admit I am one, this bill is repulsive; it is a forced measure, a forced bill, the like of which was never put upon the statute books of any nation, where you say to men in the national banking system at this late day, "You must subscribe to this doctrine; take this stock; give up 10 per cent of your capital and 50 per cent of your reserve money, or you must go out of business or out of the national banking system." Gentlemen, that does not appear to me to be the spirit of the American people; it does not appear to me to be in accord with Democratic principles.

Nearly every banker who appeared before that committee protested against what they termed the compulsory requirement to surrender their charter or join the system created by the act. In the resolution prepared by Mr. A. B. Hepburn the following represents his view, and no doubt the view of Wall Street:

Resolved, That, considering these provisions collectively, we regard the measure as an attempt to force the national banks to contribute the capital and deposits in the Federal reserve banks, and we believe that the directors of the national banks, appreciating their responsibility in a fiduciary capacity to their stockholders and depositors, will not be so coerced until they have tested in the Supreme Court of the United States whether or not such coercion is a violation of the fifth amendment of the Constitution of the United States prohibiting the taking of property for public use without just compensation; and we further believe that even if it should be decided by the Supreme Court that it is not a constitutional violation the national banks of the country could not become parties to a banking system that proposes such revolutionary interference with the established credits now existing between the public and the national banks by the practical appropriation of one-third of all the actual money now in their possession, which is to be placed entirely beyond their control, both as regards its management and its use as valid reserves against their deposits, except in so far as the advice of the Federal advisory council might influence the action of the Federal Reserve Board, which, under the conditions and restrictions surrounding it, could not be made effective.

The bill as passed provided that the national banks surrender their charters unless they enter the system within one year. Was that "an abject surrender to Wall Street and the banking interest"?

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. SHAFROTH. I would rather finish this, and then I shall be glad to yield to the Senator from Massachusetts.

This compulsory feature, though apparently harsh, was absolutely essential to the accomplishment of the beneficent purposes of the bill. To have permitted the national banks to join or retire from the system at will would have seriously impaired, if not destroyed, the success of the measure. It would have created two classes of national banks, one acting independently of and the other under the Federal reserve system, yet each bearing the name national bank. It would have been confusing, if not deceiving, to depositors who might intend to deal with the bank having the advantages of the Federal reserve system. It was not a breach of good faith, because the national-bank act under which all national banks were incorporated provided that the right to amend, alter, or repeal the act is expressly reserved.

THE BANKERS INSISTED THEY SHOULD HAVE THREE MEMBERS OF THE FEDERAL RESERVE BOARD; THEY SECURED NONE.

The delegation representing the American Bankers' Association insisted that they should have three members on the Federal Reserve Board. Mr. Festus Wade, in his presentation of the claims of that association, used this language:

Gentlemen, the duty assigned to me is to try to explain to you why there should be no compulsion in requiring the national banks to join

reserve associations in a year and why we think we should have representation on the Federal board of control. * * *

But we can not conceive that it can be right that we should be called upon to put up this vast sum of money without representation.

In the testimony of Mr. James B. Forgan, president of the First National Bank of Chicago, Ill., the following colloquy took place:

Senator SHAFROTH. Mr. Forgan, the representation on the Federal Reserve Board which your convention has recommended—does it mean that the persons representing that interest shall be engaged in banking?

Mr. FORGAN. Yes, sir; that it be left to the banks to appoint them, and, of course, they would be likely to appoint bankers from among themselves.

Senator SHAFROTH. And you ask for three members upon the board?

Mr. FORGAN. Three; yes, sir.

When the bill was passed it contained a provision that the members of the Federal Reserve Board should be appointed by the President, and that no person engaged in the banking business should be eligible to serve. Was that "an abject surrender to Wall Street and the banking interest"?

The reason members of the Federal Reserve Board should not be permitted to be interested in banks, either as officers or stockholders, is because it places them in incompatible positions. The Federal Reserve Board is vested with the power to determine the rate of discount of commercial paper. High rates of interest would be favorable to the banks but not to the people. Thus they would have a direct financial interest in the very orders they would make as members of the Federal Reserve Board. When rates of discount rise or fall stocks and bonds are immediately affected. The knowledge on the part of the members of the Federal Reserve Board that the rate of discount will be increased or diminished would give their banks immense advantage on the exchange in buying or selling bonds and stocks.

THE BANKERS OBJECTED TO THE FEDERAL RESERVE BOARD HAVING THE POWER TO REMOVE CLASS B DIRECTORS OF THE FEDERAL RESERVE BANKS, BUT WITHOUT AVAIL.

Of course, the bankers who appeared before the Senate Committee on Banking and Currency objected to the Federal Reserve Board having the power to remove directors of class B of the Federal reserve banks. Mr. Wexler, vice president of the Whitney Central National Bank, of New Orleans, La., expressed that objection in these words:

We next come to the provision of the bill, as drawn, that provides that the directors of class B, namely, those elected to represent the agricultural and commercial interests of the country, may be removed by the Federal Reserve Board if it is found that they do not properly represent the agricultural and commercial interests. This provision is, in our opinion, fraught with considerable future embarrassment, if not possible danger. These particular directors, known as directors of class B, will be in constant fear of removal, and upon every loan upon which they will be called to vote they will naturally be influenced as to how the Federal Reserve Board will look upon their action, instead of being governed entirely by their sound judgment as to whether or not they should pass favorably or adversely upon the particular proposition, as it is presumed that they will want to hold their positions. * * *

We take the position that as the directors of class A and of class B have been elected by the shareholders of the Federal reserve banks they should only be removed by these shareholders.

When the bill was enacted it provided that the Federal Reserve Board should have the right to remove directors of class B of the Federal reserve banks. Was that "an abject surrender to Wall Street and the banking interest"?

THE BANKS OBJECTED IN VAIN TO THE POWER BEING VESTED IN THE FEDERAL RESERVE BOARD TO REQUIRE ONE FEDERAL RESERVE BANK TO DISCOUNT THE PAPER OF ANOTHER.

The bankers objected strenuously to giving power to the Federal Reserve Board to require Federal reserve banks of one district to rediscount the paper of other Federal reserve banks. They contended that a board appointed by the President and composed of men who are not engaged in banking might by its orders cripple and injure the Federal reserve bank of one district to the advantage and benefit of that of another district. Yet, notwithstanding their opposition, when the bill was passed the provision objected to was incorporated in the act. Was that "an abject surrender to Wall Street and the banking interest"?

There were good reasons for the vesting of this power in the Federal Reserve Board. If one Federal reserve bank should have a large surplus of cash, and another, though possessed of a great quantity of prime commercial paper, be short of cash, why should not an impartial board have the power to compel the locked-up money to be sent to where it is needed as long as there is no objection to the securities offered? It would relieve a stringency in the money market in one district and prevent a redundancy of the currency in the other. It would accelerate commerce, and thereby be of vast benefit to the people.

THE BANKERS DESIRED A PROVISION THAT INTEREST SHOULD BE PAID ON THEIR RESERVES, BUT THEIR REQUEST WAS DENIED.

The committee from the convention of the American Bankers' Association wanted a clause in the bill which would provide that interest should be paid on their reserves. The resolution, prepared by Mr. Hepburn, was as follows:

The provision that no interest is to be paid by the Federal reserve banks upon any deposits, except those of the United States and except such as the national banks may receive under the provision in connection with the division of earnings, whereby 40 per cent of the earnings in excess of 5 per cent to be paid them on their capital-stock investment, is to be paid to the member banks in proportion to their annual average balances with such Federal reserve banks, is most objectionable.

Of course it was objectionable to the bankers that the money which they were required to deposit with the Federal reserve bank should draw no interest when they had been getting 2 per cent interest from the banks of New York for such deposits. It was quite natural that they should object most strenuously; but when the bill was passed there was no provision that interest should be paid to banks on the deposit of their reserves with the Federal reserve bank. Was that "an abject surrender to Wall Street and the banking interest"?

The Congress further determined that instead of allowing national banks 40 per cent of the earnings in excess of 5 per cent on their capital-stock investment the Federal reserve bank should not be made a profit-making concern; that a profit-making bank would of necessity pursue a policy of high rates of interest, in order to swell its dividends, to the detriment of the borrowing public. The Wilson administration, knowing that the national banks in the United States made on the average a profit of over 11 per cent per annum on their capital, and that the Bank of England and the Bank of France each made even greater profits, it was determined to increase the amount to be paid on the capital-stock investment to 6 per cent and to cut out entirely as dividends the 40 per cent of the earnings referred to in the bill. As the bill was enacted there can be no such thing as enormous profits accruing from the establishing of high rates of interest.

The salaries of the officers and employees of the Federal Reserve Board and Federal reserve banks, as well as the other expenses of the system, are not paid by the Government, but are paid from the receipts of the Federal reserve banks.

THE BANKERS WANTED THE CURRENCY TO BE ISSUED BY THE BANKS; THE ACT PROVIDES IT SHALL BE ISSUED BY THE GOVERNMENT.

Wall Street and the banking interest desired the currency to be issued by the banks and not by the Government. Nearly every banker who appeared before the Banking and Currency Committee tried to show that it was detrimental to the Government to issue currency, unless it was covered dollar for dollar by gold, and that it would be better for the Government to have the currency issued by the banks. The issuance of currency is the exercise of a governmental function; the quantity issued determines to a large extent the price of everything that money will buy. To vest that power exclusively in the hands of one or of a few banks would, therefore, subject the people of this country to an inflation or a contraction of the currency, dependent upon the will of the large moneyed interests. A bank currency can not, in the nature of things, be as sound and as safe from depreciation as currency issued by the Government, which has the taxable property of the entire Nation to uphold it.

The people want a currency concerning which there can be no question. The currency provided in this act has so many safeguards that it has been calculated the chances of loss to the Government in the issuance of each dollar do not exceed one in one quintillion times, and to the holder no chance whatever. No bank currency can possibly be so secured. The administration determined, therefore, that the currency issued should be the direct obligation of the Government, secured by prime commercial paper bearing the indorsement of a solvent maker, of a solvent acceptor, of a solvent member bank, and of a solvent Federal reserve bank. The contingency of the failure of each of these obligors within the same 90 days—the life of the commercial paper hypothecated—is so remote as to make it infinitesimal. When Congress refused the request of the bankers to make this a bank currency, was that "an abject surrender to Wall Street and the banking interest"?

WALL STREET CONTENDED FOR THE ABSOLUTE RETIREMENT OF THE NATIONAL-BANK NOTES AND THE SUBSTITUTION OF THEIR 2 PER CENT BONDS BY 3 PER CENT BONDS, BUT WITHOUT AVAIL.

The bankers of Wall Street and the banking interest insisted upon an absolute retirement of the national-bank notes, and wanted the Government to issue 3 per cent bonds to take up the 2 per cent obligations securing bank circulation. To be sure, it would be to the interest of national banks to substitute their 2 per cent bonds now securing paper circulation with 3 per cent bonds of the United States. It would be equivalent to making a present of $7,000,000 a year to the banks, and if the 3 per cent bonds ran for 20 years, it would be equivalent to making a present to the banks of $140,000,000. The bankers wanted this

retirement of the national-bank notes to take place within 20 years, an equal amount to be withdrawn each year. The effect of such retirement would be a contraction of currency to the extent of thirty-five to forty millions of dollars every year, unless the currency issued on the 90-day paper hypothecated would be perpetually renewed and remain in circulation. Of course such retirement would have a tendency to make money dearer, but it would be reflected in increased rates of interest upon all of the people in the country. Whenever money becomes scarce interest gets high. The act as passed gave to the discretion of the Federal Reserve Board the retiring of any of the national-bank notes, prohibiting, however, the retirement under any circumstances of more than $25,000,000 a year; it also provided that Federal reserve bank notes might be issued in lieu of the retired national-bank notes. The bankers were violently opposed to this provision. Was that "an abject surrender to Wall Street and the banking interest"?

THE BANKERS URGED A HIGH MINIMUM GOLD RESERVE, BUT FAILED TO GET IT.

Wall Street and the banking interest wanted a gold reserve of 40 per cent of all notes issued under this system by the Government, and insisted that this reserve should never, in any event, be reduced below 33⅓ per cent. The requirement of a large minimum gold reserve has the effect of making a greater strain upon the gold of the world. The banks of the nations have a system of replenishing their gold reserves by increasing the rate of discount, that is, the rate of interest. Such action is exceedingly serious, because it controls the interest rate to all the borrowing public. The Bank of England, in order to get gold, raises the rate of discount, which produces a movement of credits to England, and thereby a flow of international money—gold—to settle balances. It is drawn from France, Germany, and other countries, and sometimes from the United States. France, to readjust the balance—to get back the gold which she has lost by reason of the Bank of England increasing the discount rate—must raise her rate a little higher, in order to attract money from England and other countries. Germany, finding her gold is being depleted by the increased rate of interest in France and England, must raise her rate of discount still higher, to recover the gold which she has lost. Thus this competitive bidding for the purpose of attracting gold results in enormous increases in the interest rates in all the countries of the world. Whatever raises the rate of interest in a country is directly to the advantage of the banks. Therefore it was not surprising that Wall Street wanted to have established as large a minimum gold reserve as possible, that the strain on the gold of the world would be increased, that the bidding for gold would not be checked, and that the rate of interest would continue to rise.

The act as passed provided for a maximum 40 per cent gold reserve, but with the power to reduce that reserve from 40 to 32½ per cent, simply upon the payment of not to exceed 1 per cent per annum additional interest by one desiring gold. Then, instead of having a 33⅓ per cent rigid minimum gold reserve, the act provides that it may be decreased below that point by the payment of a penalty of 1½ per cent increase of interest per annum upon every 2½ per cent decrease in the gold reserve. Thus, so long as the gold is in the Treasury of the United States, no man needing gold can be deprived of it, if he is willing to comply with the terms of the act as to security and as to the payment of the increased rate of interest. Was that "an abject surrender to Wall Street and the banking interest"?

WALL STREET OBJECTED TO THE CURRENCY BEING REDEEMABLE AT THE FEDERAL RESERVE BANKS IN ANYTHING BUT GOLD.

Wall Street and the banking interest wanted the notes of the Government redeemable in gold alone, not only at the Treasury of the United States, but also at each of the Federal reserve banks. The direct effect of such requirement would have been to create the necessity for much larger redemption funds than if the notes had been redeemable in gold only at the Treasury. Redemption in gold alone at each Federal reserve bank would have created against the Government's needs 12 distinct competing points for the acquisition of gold, and much more gold than the minimum requirement would naturally have been held by each bank. The result of such a policy would have been to increase the strain upon gold with all the effects which I have just described. The banks were not successful, and no gold reserve is required to be kept in the banks for the purpose of redeeming the currency. But the banks are required to furnish the gold to the Treasury with which to meet all of the notes issued by the Government under this act. Under the law heretofore it was necessary for the National Government to maintain the gold reserve with which to redeem the greenbacks, and when such gold was acquired and it was drawn out by the banks the Government had to replenish the same by buying more gold; thus there was created what in 1893 was called an endless-chain demand upon the gold of the Treasury. There is no longer any danger of such an endless chain being worked on the Treasury, because the greenbacks are now of such small denominations and so scattered as to make it impracticable to gather them for redemption. There can be no endless chain against the Treasury as to the notes authorized by this act, because the Government would immediately notify the banks to make good any depletion of the gold reserve, and thus under this act we now have an endless chain against the banks instead of the banks having an endless chain against the Government. Was that "an abject surrender to Wall Street and the banking interest"? These instances of the refusal of their demands show conclusively that the passage of the banking and currency act was not a surrender to them, but was meant to be a curb upon Wall Street. The act was intended to create a sound banking system, to keep reserves near home, to stimulate commerce, to facilitate the means of financing new enterprises, to make the moneys of depositors safe, and to decrease the rates of interest to the people, with all the blessings that would flow therefrom.

Three great benefits will result from the passage of the banking and currency act:

First. The concentration and mobilization of reserves, which can be utilized when there is a stringency in the money market or when a panic is imminent, and thereby the money of the depositors made more secure.

Previous to the passage of this act most of the reserves of country banks were required to be kept in the 315 national banks of the 47 reserve cities of the Union. There are three central reserve cities, namely, New York, Chicago, and St. Louis, containing 52 national banks. The banks in the reserve cities were required to keep most of their reserves in the banks of these three central reserve cities. Under this act there is a concentration of these reserves from 367 banks in reserve and central reserve cities to 12 Federal reserve banks, situate in 12 different parts of the country, each of the Federal reserve banks having a prescribed territory for its business and each being required to look after the interests of and prevent runs upon the banks of its own district. These reserves, even if no other banks than the national banks come into the system, will amount to $450,000,000. The capital subscribed to the Federal reserve banks will be more than $100,000,000. The deposits by the United States Treasury in the Federal reserve banks will amount to $250,000,000. Thus there will be concentrated in these 12 Federal reserve banks about $800,000,000. With such a large fund from which to advance money to banks there will be a confidence instilled in their stability which will discourage withdrawals of deposits from the same and prevent runs upon all solvent banks, and with the strict inspection required by the provisions of this act there should hereafter be no such thing as a disastrous panic.

Second. The establishment of a discount market for commercial paper.

Heretofore there has been no market for such paper except that which could be established by applying to a bank with which a person might be accustomed to deal. But the difficulty of that situation has been that when there was a stringency in the money market it affected not only the country banks, where drafts would be discounted, but affected the very banks in the reserve cities and central reserve cities, which held the reserves of the country banks. The locking up of the money with which to redeem deposits in the country banks produced the same result in the reserve city banks and in the three central reserve city banks. Under this act a customer of a national bank can get his drafts discounted, because the national bank can, whenever it wants the money upon those drafts, guarantee the payment of the same and cash them at the Federal reserve bank. If in time of stress the Federal reserve bank pays out all the reserves, it can still get money with which to cash such drafts by depositing with the agent of the Federal Government the very drafts drawn by the customer of the national bank, which have been discounted by the Federal reserve bank, and by depositing the gold reserve required.

Thus a perfect discount market is created, and no bank need close its doors as long as it has good paper within its vaults, which it can discount at the Federal reserve bank. The creation of a discount market, therefore, will be of inestimable advantage to prevent runs upon banks and the disasters that result from panics, which not only affect the banks and the depositors of the banks, but also the value of all personal and real property in the country.

Third. The issuance of an elastic currency by the Government to meet the demands of commerce, as long as prime commercial paper, bearing the indorsement of the maker, the ac-

ceptor, the national bank, and the Federal reserve bank, together with the gold reserve, can be presented to the National Government.

Whenever there is a stringency in the money market the banks will forego the interest on their drafts in order to get money with which to meet the demands of their depositors, but whenever money is abundant the banks will no longer discount paper with the Federal reserve bank and thereby lose the interest which they gain by holding the paper of their customers. This produces an automatic regulation of the supply of the money of the country. It provides for the expansion and contraction of the currency according to the needs of commerce.

It is said that the losses to the people of the United States caused by the panic of 1907 were equal in amount to that which would result from the destruction of everything upon a strip of land 100 miles wide extending from the Atlantic to the Pacific Oceans. This panic was due to want of confidence, of unreasonable fear as to the stability of the banks, when they were perfectly solvent; and yet people had to sacrifice stocks, bonds, and other property in order to obtain money with which to meet their obligations. This legislation will prevent runs upon solvent banks, make the money of depositors secure, reduce the rates of interest to the people, and create an upward movement in commerce and industry.

The effect of the banking and currency act was felt in financial circles from the very day of its passage. It surely averted a panic which was then imminent. For a number of months the banks had been curtailing their loans and increasing their reserves so as to weather the threatening storm. Such action, instead of allaying the feeling of distrust, increased it. In fact, runs upon some banks in a number of cities had already begun. When the act was passed, which gave assurance of the policy to be pursued as to cashing commercial paper and supplying a currency to meet the needs of trade, almost instantly confidence in the banks to meet the demands of depositors was restored and money became easy. In a few weeks all appearance of panic disappeared, banks began increasing their loans instead of locking up their money, and thus the panic was averted. The relieving of the tight money market has been felt in lower rates of interest, which have affected the price of stocks and bonds. Of the stocks of 63 corporations quoted in the list of Henry Clews & Co., of New York City, all but those of 10 companies show an increase over their low prices of 1913. If, by reason of the anticipation of what will be accomplished by the banking act, such great results have been accomplished, how much greater will be the achievement when the $800,000,000 becomes available for the discount of commercial paper.

With, first, the centralization and mobilization of these great reserves; second, the establishment of a discount market for the cashing of all prime commercial paper; and, third, the creation of an elastic currency which automatically expands and contracts with the demands of commerce, this act will establish a financial policy which will produce innumerable benefits to the people and be recognized as one of the greatest constructive measures ever enacted by the Congress of the United States.

I now would be pleased to yield to the Senator from Massachusetts [Mr. WEEKS].

Mr. WEEKS. The Senator has taken a casual remark made by some Senator more than five months ago, when we were sitting here from 10 o'clock in the morning until 11 o'clock at night, because it was said to be absolutely necessary to pass a bank bill at once, as a medium for his remarks.

I am quite in agreement with the Senator that the passage of this bill was not a surrender to Wall Street or State Street or any other street or to any other interest. Therefore, as far as that is concerned, there need be no controversy.

But I want to call the Senator's attention to the fact that he suggests in beginning his remarks that it was the purpose of those who favored a single bank that that bank should be located in Wall Street or in New York City.

Mr. SHAFROTH. No; I said that the bankers of New York expected it to be located there.

Mr. WEEKS. I do not think any banker expected it to be located in New York. It was not the purpose of the Monetary Commission that it should be located in New York, but in Washington, and I have never heard a word of testimony from anyone that a central bank should be located anywhere else than at the National Capital.

Mr. SHAFROTH. Of course, there was no reason for the discussion of that question, because the committee and also the Congress had before it a bill which provided for not less than 8 nor more than 12 banks; but they wanted 1 bank, and, that being the financial center, it would be the natural place to locate the 1 bank. It seems to me that that must have been in the mind of every banker of the United States.

Mr. WEEKS. Mr. President, it was not in the mind of any banker in the United States or anybody connected with banking legislation.

Mr. SHAFROTH. New York did get one and Washington did not get any.

Mr. WEEKS. The Senator also reflects on bankers because they were opposed to the compulsory features of the bill, especially to Wall Street bankers, as he terms them. As a matter of fact, there were three New York City bankers who appeared before the Banking and Currency Committee. One of them, Mr. Vanderlip, president of the National City Bank, testified in favor of the compulsory feature and distinctly said that if we were going to adopt a bill similar to the one under consideration there was nothing else for us to do.

Another of the bankers who appeared from New York was Mr. Cannon, president of the Fourth National Bank, who distinctly testified in favor of the compulsory features of the bill. I do not remember Mr. Gilbert's testimony on that subject, if he offered any; but it can not be charged that Wall Street bankers or those located in the neighborhood of Wall Street opposed the compulsory feature, because they did not.

Mr. SHAFROTH. I presume that the authoritative statement on the subject would be what the committee representing the American Bankers' Association presented to the Banking and Currency Committee as their idea and as their claim. They vociferated most strenuously against being forced into a system, and one person stated that they would contest it in the Supreme Court of the United States, and that even if the court held that it was not a violation of the fifth amendment of the Constitution, they would not enter the system under those circumstances. That represented the sentiment of this great American Bankers' Association. Individual banks, such as the Senator refers to, may have had a different idea. They may have had their views thereon modified after knowing the committee was going to report against the proposition which they had been contending for.

Mr. WEEKS. What the Senator says is true to this extent: The committee representing the American Bankers' Association appeared before the Banking and Currency Committee of the Senate in the early days of the hearing. The bill had in the meantime been very greatly modified and changed, so that those who testified in the early days were considering a different proposition from the one finally before the committee. There was ample reason for taking the position which the bankers later in the hearing did take, and among them Mr. Vanderlip and Mr. Cannon.

Furthermore, I want to say that Mr. Vanderlip was one of those who advocated the rediscounting of paper by other reserve banks. He said that it would be necessary, if we were going to have more than one bank to compel a rediscounting for one bank by another in case of an emergency.

Mr. SHAFROTH. That is likely true in the case of Mr. Vanderlip, but I am sure that a majority of the bankers protested against that.

Mr. WEEKS. They did in the earlier days of the hearing, but not in the later days of the hearing, when the bill had been so modified through the efforts of the Senator from Colorado and others that it looked as if we were really going to get a workable bill.

I simply inject these comments, because I know, as everybody knows, that Wall Street is a good term to conjure with when we want to appeal to the unthinking. As a matter of fact, Wall Street is not a loaner of money. Wall Street is a borrower of money. The Senator has suggested that Wall Street wanted to keep the rates up, because they could make more money by doing it.

Mr. SHAFROTH. They pay 2 per cent interest on it and then lend it out at 6 per cent.

Mr. WEEKS. They borrow the money and want to keep the rate down. I simply call attention to the fact that the Senator mixes up the banks of New York and large centers with what is really Wall Street. He may condemn one in his mind, but he is condemning the other by his voice. He should discriminate between Wall Street as an exchange center and the banks represented by Mr. Vanderlip, Mr. Cannon, and others, who came here and materially assisted us in framing the bill which is now on the statute books.

Mr. SHAFROTH. To say that Wall Street is not a lender of money seems to me ridiculous. We know from the capitalization which they have in those banks, the amount of deposits that are made, and the amount of loans made there that they are the greatest lending institutions in the entire world.

It is true they borrow money, as every bank does; but they have a system by which they borrow at such a low rate and lend it out at such a good rate—I will not say high, because it

is controlled by the supply and demand—that to say they are not lenders of money seems to me to be absurd.

Now, the Senator says that Wall Street is a good word to conjure with. I must say, Mr. President, that it was not my words that formed the subject of the discussion of this matter. The statement was made by a Senator on the floor of this Chamber, and in it he used the exact language I have quoted. It was my purpose and my object to show that from the proceedings which occurred before the Banking and Currency Committee it was not a surrender to Wall Street, and I hardly believe that any member of the committee so believes.

The Senator says that this was a casual remark of somebody made five months ago during the heated discussion of the banking and currency bill. That is a mistake. The fact is that it was delivered here upon the anniversary of the first year of the Wilson administration, three months after the banking and currency bill had been passed, and not only so, but it was a written speech, a speech made after due deliberation. Consequently it can not be said that it was the word of some person who in the heat of discussion uttered something which he really did not intend to say.

It seems to me these facts demonstrate—and I do not believe there is a member of the Banking and Currency Committee who will say otherwise—that this is a measure that has infinite good in it, and its passage was not a surrender under any circumstances to Wall Street or the banking interests. We believe that great good will result from its enactment.

Mr. BRISTOW. Mr. President, I have listened with interest to the remarkable address which has just been delivered by the Senator from Colorado in a frantic effort apparently to convince himself that the currency bill was not a surrender to Wall Street, and in order to controvert that proposition he has quoted from the testimony criticisms that were made of a bill that was not passed.

Mr. SHAFROTH. Oh, no.

Mr. BRISTOW. He has quoted the criticism of provisions in a bill that were cut out of it before it was passed.

Mr. SHAFROTH. No, Mr. President; I must say——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. SHAFROTH. It was delivered in March of this year, three months after the passage of the bill, and referred directly to the act, and not to the bill before its passage.

Mr. BRISTOW. The Senator misunderstands me. I said the Senator was quoting testimony that was given in criticism of the provisions of a bill, and that those provisions were not finally passed or incorporated in the law.

He refers to 10 per cent of the capital and 50 per cent of the reserve being impounded in this Federal reserve bank system, when the law makes no such provision. That is a criticism which the bankers made against the bill. The criticism which they made against these provisions of the bill do not apply to the law, because the provisions of the bill were changed so that 10 per cent of the capital is not required.

Mr. SHAFROTH. Does not the Senator concede that 10 per cent of the capital of the national banks is almost exactly the same as 6 per cent of the capital and surplus?—and that is the provision of the act. So there is hardly a variation of $1,000,000 in the amount which will be raised under the act as contrasted with the amount which was required by the 10 per cent provision.

Mr. BRISTOW. Then the Senator from Colorado refers with a great deal of approval to the fact that the law does not require bankers to be upon the board; but while the Senator praises the law because it does not provide that bankers shall be on the board, he neglects to refer to the fact that the board that has been selected, according to press dispatches, does contain bankers, and Wall Street bankers at that.

Mr. SHAFROTH. No; the provision of the law prescribes that no person shall be on the board while he is engaged in banking; in other words, that no person shall have a financial interest in a bank while he is acting as a member of the board. To deny the right to avail ourselves of his experience after a banker has withdrawn from a bank would be, it seems to me, unwise, and in the law the President has no qualification of that kind to restrict him in his selections.

Mr. BRISTOW. The Senator certainly does not contend that any banker ever appeared before the committee and advocated that a member of the board should be permitted to engage in the banking business at the same time he was a member of the board?

Mr. SHAFROTH. Oh, yes, Mr. President. I not only do that, but I will quote the language of Mr. James B. Forgan, of Chicago, the president of the First National Bank of that city. He appeared before the committee and contended that the banking interests should have the privilege of themselves naming three of the Federal Reserve Board. I asked him the question in order to make it more definite as to whether or not the members of the board should be persons engaged in banking. Here is what I asked him:

Senator SHAFROTH. Mr. Forgan, the representation on the Federal Reserve Board which your convention has recommended, does it mean that persons representing that interest shall be engaged in banking?

Mr. FORGAN. Yes, sir; that it be left to the banks to appoint them; and, of course, they would be likely to appoint bankers from among themselves.

Mr. SHAFROTH. And you ask for three members upon the board?

Mr. FORGAN. Three; yes, sir.

That was the contention.

Mr. BRISTOW. The Senator from Colorado has put a construction upon that language that is not justified. What Mr. Forgan said was that the bankers, in his opinion, should be permitted to select members of this board, and that those members should be experienced bankers. Of course, to be "experienced bankers" they would have to be engaged in the banking business; but I make the statement now—I make it from memory, and there is a possibility that I may be mistaken, but I do not think I am—that you can not find in the testimony any statement from anyone claiming that any member of this board, while serving as a member of the board, should be engaged at the same time in the banking business.

Mr. SHAFROTH. Mr. President, I wish to assert that the proceedings before the committee were all voiced upon a representation of that kind, until it was shown by the presentation of authorities that no banker was permitted to act as a member of the governing board of the Bank of England or of the Bank of France. Then it was that the bankers receded to some extent in their contention in favor of having a person directly engaged in the banking business as a member of the board; but the statement of Mr. Wade and the testimony of Mr. Forgan show conclusively that they wanted the appointment of bankers, and wanted bankers upon the reserve board. It was only the reading of those statements showing what was the practice of the Bank of England and of the Bank of France that made some of those who testified say that they did not think that any person at the time connected with a bank should be a member of the Federal Reserve Board.

Mr. BRISTOW. I still make the assertion, basing it upon my memory of the testimony—and I challenge anyone to find any evidence in the testimony that will contradict it—that no one appeared before the committee who contended, and no member of the committee ever contended, that any member of that board ought to be actively engaged in the banking business while a member of the board.

Mr. SHAFROTH. I will state that I do not think any member of the committee so contended. I think that no member of the committee took that position, but the bankers insisted that they should have representation, and they used the very language which I have quoted from Mr. Forgan. In reply to the direct question I addressed to him, with the books containing the declaration as to the practice of the Bank of England and of the Bank of France before me; notwithstanding that, he said that the bankers wanted three members on that board, and when asked whether they should be engaged in banking he said "yes"; that such men should be appointed.

Mr. BRISTOW. The banks contended that there should be experienced bankers on the board and that they ought to have a right to appoint them. The Senator's argument has been against the policy of placing bankers or men engaged in the banking business upon the board. That has been his contention in the address he has delivered here this morning, yet the very board whose names are to be presented to the Senate, if the press reports are true, contains bankers, men who are now in the banking business. What great merit does the Senator claim for this inhibition in the law when it has had no effect so far as the personnel of the board is concerned?

Mr. SHAFROTH. It has never been contended by anybody on the committee, so far as I know, that because one was a banker he could not act as a member of the Federal Reserve Board, provided he severed all connection either direct or indirect with the banking business. The incompatibility arises from the fact that he may have certain duties to perform as a member of the Federal Reserve Board which might become antagonistic to the position which he holds as a banker; for instance, the raising of the rate of interest. Of course it would be to the interest of the banker that an order should be made by the Federal Reserve Board increasing the rate of interest, as it would affect directly the revenues that would come to him in his bank; but it does not affect his revenues; it does not affect his interest if he is a member of the board and has severed his connection with the bank as a stockholder or as a

director or as connected in any way with a bank. For that reason it never was intended to exclude people by reason of the fact that they had had banking experience.

Mr. BRISTOW. That is all the bankers are claiming. The bankers have, in the appointment of this board, secured all that they ever asked for; but the Senator from Colorado took the astounding position of praising the law because it did not permit bankers to select bankers for the board, and then commending the appointment of bankers upon the board, and probably at least one of the same bankers that the bankers themselves would have selected.

As to 6 per cent of the capital and surplus being equivalent to 10 per cent of the capital, if the bank does not happen to have a surplus it is not equivalent to 10 per cent.

Another very interesting observation of the Senator was that the gold reserve was required to be high in the bill which the Wall Street bankers proposed, and that it was reduced in the law. If I remember, the bankers who appeared before the committee thought there ought to be 40 per cent reserve, while 32½ per cent was the amount provided, was it not?

Mr. SHAFROTH. No; the bill as it passed provides for 40 per cent reserve under normal conditions, but permits the drawing down of that reserve to 32½ per cent simply upon the payment of a nominal interest, not more than 1 per cent per annum additional; it may be one-tenth of 1 per cent. Consequently, it is practically a 32½ per cent reserve in times of stress. Not only that, but the law provides that that can be reduced, as it should be and as the experience of the banks of Europe shows is advisable—that is, upon the payment of 1½ per cent per annum additional interest for every 2½ per cent decrease in reserve, the decrease can go to any amount. But when the reserve gets very low, instead of paying only 1 or 2 per cent the banker will have to pay 15 or 16 per cent interest, which he can not afford to do. Consequently, it makes the reserve act automatically, and the provisions of the law are in the interest of letting the gold out when it is needed by the public and of conserving it when it is not needed.

Mr. BRISTOW. Let me ask the Senator if that very provision which was incorporated into the bill was not suggested by a banker at the committee hearings?

Mr. SHAFROTH. I do not remember that it was; but in any event the bill as it came from the House provided for a rigid reserve of 33⅓ per cent.

Mr. BRISTOW. Yes.

Mr. SHAFROTH. And the bill as modified by the Senate is much better and more flexible, because it does provide for a reduction of the amount of the reserve upon the payment of a penalty, relying upon the self-interest of the banker not to draw gold unless he needs it in extreme cases, and, if he does need it, he ought to have it.

Mr. BRISTOW. That provision which I commend, and which the Senator commends, and which was certainly a very great improvement over the House provision, was suggested to the committee by the very bankers who appeared before it and whom the Senator has so ruthlessly criticized here this morning.

Mr. SHAFROTH. I do not know by whom it was suggested; I do not remember; but I remember that the first draft of the matter was presented to me by the Senator from Oklahoma [Mr. OWEN].

Mr. BRISTOW. If the Senator will refresh his memory of the hearings, he will find that my statement is true.

Then, the Senator stated that he thought that the passing of this law had averted a panic. That is something new to me. Why should the passing of this law not have prevented the exportation of gold also?

Mr. SHAFROTH. Oh, the exportation of gold depends upon the rates of interest which are established. Any country can draw money away from America if it bids for it at a higher price, and that is unquestionably the cause at the present time and the reason for the exportation of gold.

Mr. BRISTOW. Now, let me ask the Senator, does not the exportation of gold depend very largely upon the balance of trade?

Mr. SHAFROTH. To some extent.

Mr. BRISTOW. Do we not have to settle with Europe in gold when we pay our debts, and do they not settle with us in gold when they pay theirs?

Mr. SHAFROTH. Not necessarily; payment does not have to be in gold, but it may be in the sale of securities and in the increased sale of other things.

Mr. BRISTOW. Well, it is in gold or commodities that are the equivalent of gold.

Mr. SHAFROTH. Certainly; of course, the balances of trade have got to be settled.

Mr. BRISTOW. Yes; they have got to be settled, and the money that settles the differences in the balance of trade is gold.

Mr. SHAFROTH. Not necessarily, because it affects the price of things as well. For instance, if there is a demand for gold in Europe and they need it, of necessity the result is that it affects the prices on the market there, and you will ship more cotton at a little less price, and that will supply the place of the gold that would be shipped, but there are certain times when there has to be gold shipped, when conditions are such that they do not need any more commodities.

Mr. BRISTOW. Then, the exchange of commodities is not a settlement?

Mr. SHAFROTH. Certainly it is; but it all has relation to gold, to the quantity of gold, and to the bidding for gold.

Mr. BRISTOW. But the balance of trade is the difference between the amount which we send to Europe and the amount which Europe sends to us.

Mr. SHAFROTH. Yes.

Mr. BRISTOW. We exchange commodities, of course, but the settling of the balances when they are settled, is in gold, is it not?

Mr. SHAFROTH. Not necessarily.

Mr. BRISTOW. How would the Senator balance it if it is not settled in gold?

Mr. SHAFROTH. By selling commodities at a lower rate.

Mr. BRISTOW. That is an exportation——

Mr. SHAFROTH. That may be.

Mr. BRISTOW. That is not a balance; that is the selling of goods.

Mr. SHAFROTH. Take the amount of the balance of trade in favor of the United States up to the 30th day of June, and it will be at least $550,000,000. Does Europe send us $550,000,000? No; she does not. We nearly always have a balance of trade in our favor. We have a large balance of trade right now in our favor.

Mr. BRISTOW. We have? I have not been so advised.

Mr. SHAFROTH. I mean from year to year, from the 30th of June to the 30th of June.

Mr. BRISTOW. But at the present time the Senator is not claiming that we have any balance of trade in our favor, is he?

Mr. SHAFROTH. Oh, yes; every month will show it, although it may not be as great a balance of trade as it was for the corresponding month of the previous year; but that we have a large balance of trade in our favor there is no question. I saw a statement the other day that the balance of trade to June 30, 1914, would be over $600,000,000. The fiscal year is nearly completed now, and it can be estimated almost exactly; the Treasury has figures now for 10 months, and it is easy to estimate what the other two months will be.

Mr. BRISTOW. How does the Senator account for the shipment of gold to Europe going on now?

Mr. SHAFROTH. There are a number of things that enter into the question of trade. Of course, we have the sale of commodities, and we take cognizance of that; but we do not take cognizance of the number of securities which are sold to Europe; we do not take cognizance of the amount of money that is spent by Americans who go to Europe, and counteract that balance of trade to a large extent. There are so many factors that enter into it that it is very difficult to separate them and give to each its proper effect; but when the bankers of Europe want gold the principal method which they employ is to increase the rate of interest; and as they increase the rate of interest, the effect is simply this: Securities can be bought over there at a higher price; in other words, a man who has got money in other countries will naturally go to the market that pays the best interest and the rate of interest which they establish causes credits to flow to that country. Sometimes, for a while, they will be set off one against the other in credits; but sooner or later the end will come when there must be a settlement, and that settlement must be made in gold. The shipment of gold, I think, for the last 30 days has been about $11,000,000.

Mr. BRISTOW. It is an interesting observation of the Senator that when they raise the bank rate they raise the price of securities. I thought that decreased prices.

Mr. SHAFROTH. They do decrease prices when they raise the rate; and consequently persons who have money buy the securities cheaper. That is the reason they send the money over to Europe for that purpose.

Mr. BRISTOW. The Senator evidently, then, made a mistake in stating that raising the interest rate increased prices.

Mr. SHAFROTH. I misspoke if I said that the raising of the rate increased prices of stocks and bonds.

Mr. BRISTOW. But the Senator has not yet stated why there is an exportation of gold going on from this country now.

Mr. SHAFROTH. The bank rate of England has been raised. That is the reason; the bank rate is higher, and consequently investors are willing to send their money to buy stocks and bonds which fall as interest rates increase, or to lend their money over there.

Mr. BRISTOW. How much was the bank rate of England raised, and when?

Mr. SHAFROTH. I do not know; but there was a table which I had at the time of the passage of the act which showed——

Mr. BRISTOW. Has it been raised recently?

Mr. SHAFROTH. Which showed that in 1898 the bank rate of England was 2 and 2½ per cent, while at the time we were engaged in a discussion in this body of the banking and currency bill, in November, 1913, it was 5 and 5½ per cent, caused by the Bank of England, the Bank of France, and the Bank of Germany raising the rate of discount in order to get a flow of gold to them, and then each one raising against the other the rate in order to draw back the gold which they had lost.

Mr. BRISTOW. Has the Bank of France or the Bank of Germany or the Bank of England increased the rate on gold recently; and if so, to what amount?

Mr. SHAFROTH. I do not know. I have not looked at the bank quotations.

Mr. BRISTOW. Then the Senator does not know that the increased rate that the banks of Europe will pay for gold is attracting our gold to Europe?

Mr. SHAFROTH. I know that is the natural way of doing it.

Mr. BRISTOW. Yes; but I was trying to find out the Senator's view as to why we were shipping and exporting practically every day now large quantities of gold to Europe.

Mr. SHAFROTH. Well, I think that there must be a better demand over there for money than there is here.

Mr. BRISTOW. Is it not a matter of fact that it may be that the rate has gone down here instead of the rate over there increasing? That would attract it in the same way. Is it not also a fact that in the month of April there was a very large balance of trade against us?

Mr. SHAFROTH. I do not think there was a balance against us. There was a less balance in our favor than there had been for the corresponding month of the year before, but not a balance against us.

Mr. LODGE. The Senator is mistaken about that. There was a large balance against us in the month of April. That is why the gold is going out now; it is perfectly simple.

Mr. SHAFROTH. It is possible that that may be so; but at the same time my impression is that there is not a balance against us. I think that if you will look at the figures you will find that, while there has been a decrease in the balance of trade in our favor with the corresponding month of a year ago, yet there is not a balance of trade against us at the present time.

Mr. BRISTOW. The Senator has not yet explained how the passage of this bill averted the panic to which he was referring.

Mr. SHAFROTH. I will try to explain that to the Senator. It made money easy. It established confidence immediately. The banks knew that the policy of the United States was to have lower reserves, and that would permit the banks to lend out money and relieve the demands which were made upon them for money, which they had been declining to supply. They had been hoarding money for the purpose of weathering the storm; and when they found that the policy of the Government was going to be in favor of lower reserves, it had a tendency to make them let go, to let their money out. That relieved the demand which was made upon them for money, and that very thing prevented runs.

We know, as a matter of fact, that banks in various portions of the United States had runs upon them. That was the condition, and the fear of the people was getting so that it was predicted that we would have a panic. You do not hear any such statements now. We do not hear of any conditions of that kind. There is a certain amount of relief in confidence. If depositors know that their money is going to be forthcoming; if they know that a liberal policy is to be pursued, that a bank policy is to be inaugurated in the United States by which banks can cash their commercial paper to any extent, of course the demand by depositors for their money is not going to be so persistent. It is not going to be prompted by fear that the depositors might lose it, because if a bank has commercial paper—and it nearly always has; every solvent bank has enough commercial paper to supply the demand of the depositors—you can readily see that the demand growing out of fear would immediately cease. That element has been removed; and for that reason the confidence which has been brought about by the passage of this bill has instilled in the people a knowledge of the fact that they can get relief. That being the case, it has stopped runs.

Mr. BRISTOW. Of course, it is very interesting to me, and somewhat amusing, for the Senator to argue that a law which has not yet become effective, under which no banks have been organized, under the provisions of which not a dollar of currency has been issued and will not be for months, has averted a panic that would have occurred months ago. That, to me, seems amusing instead of convincing.

Mr. SHAFROTH. Does not the Senator recognize that in almost all instances stocks and bonds have gone up on the New York market?

Mr. BRISTOW. I think the Senator had better read the quotations before he speaks of the advance in stocks and bonds.

Mr. SHAFROTH. No, sir; I have a price list of the New York Stock Exchange which shows that in the case of all but 10 companies there has been an increase in the price of the stocks as contrasted with the low price of the year 1913. Why is that? It is due to the same cause; to the fact that whenever money is easy, as they term it, there comes a lower price. People begin to bid for lower rates of interest, and that, of course, has an influence in the direction of increasing the price of stocks and increasing the price of bonds. That is what the effect has been upon the New York market. It is not so pronounced as it will be when we get the $800,000,000 in the reserves and ready to lend out to the banks whenever they feel that they need it. Under those circumstances you will find that the upward tendency will be much stronger.

Mr. BRISTOW. What about Government bonds? Does the Senator think the price of Government bonds has been increased by the passage of this bill?

Mr. SHAFROTH. It has not been decreased, and I think there has been a little increase in the price of Government bonds.

Mr. BRISTOW. Since when?

Mr. SHAFROTH. Since the passage of the banking and currency act.

Mr. BRISTOW. Oh, I will admit that when the country was threatened with the abortion that came over here from the House it had a very disastrous effect upon the credit of the United States.

Mr. SHAFROTH. I thought the Senator said it was impossible for an act which had not been passed to have any disastrous effect or to have any beneficial effect.

Mr. BRISTOW. Why, no; I never said that.

Mr. SHAFROTH. Yes; the Senator said he could not conceive that the contention I made was true, that the mere passage of the act before the reserve banks came into operation would have any effect in the direction of averting a panic; yet he is reciting something that is in line with my statement.

Mr. BRISTOW. No; the Senator probably misunderstood my position. Before this legislation was threatened the country was in a very normal and prosperous condition, and United States 2 per cent bonds were selling at a premium. After it was announced that there would be currency legislation, and the character of the legislation that was proposed was demonstrated by the passage of the bill by the House, it had a very disastrous effect upon the credit of the United States, and our 2 per cent bonds went down to 96, as I remember.

Mr. SHAFROTH. I think that is right. They are more than 96 now, however.

Mr. BRISTOW. They are 97 now.

Mr. SHAFROTH. Probably 97½ or 98.

Mr. BRISTOW. They are not above par, as they were before the enactment of the legislation which the Senator is praising.

Mr. SHAFROTH. They have not been at par for a considerable number of months.

Mr. BRISTOW. Not since this administration determined to write a new currency law have the United States 2 per cent bonds been at par.

Mr. SHAFROTH. No, sir; even before that they went down below par; but, of course, to a certain extent, that is determined by the demand for money and the demand for securities. For some time, and I do not know but that it had been for two years, the 2 per cent bonds had been below par; but since the passage of the act there is no question but that there has been an upward tendency in all the bonds of the United States.

Mr. BRISTOW. I should like to have the Senator, if he will, take the time to investigate and put in the RECORD the dates when United States bonds were below par prior to a year ago, the 4th of March.

Mr. SHAFROTH. I shall be glad to do it.

Mr. BRISTOW. The Senator will find, if I remember correctly, that for more than 20 years they had not been below

par. I do not think they had been below par since a former Democratic administration, although I may be mistaken as to that; and they have gone up one-half of 1 per cent, I believe, since the law was finally passed. I am speaking of the 2 per cent bonds, of course.

Mr. SHAFROTH. They are more than 96½ now. The Senator surely can not contend that that is not true.

Mr. BRISTOW. No; they are 97 now.

Mr. SHAFROTH. They went down to 96.

The PRESIDING OFFICER. The Chair will have to insist that hereafter Senators shall address the Chair before interrupting.

Mr. BRISTOW. There has been handed to me a financial statement from which I will read in regard to the balance of trade:

> Gold exports have been renewed on a liberal scale, and seem likely to continue for some time to come. The April statement of foreign commerce was anything but satisfactory, and showed a striking change of tendency. Our exports were $162,000,000, or $37,500,000 less than a year ago——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Just a moment, until I get through.

Mr. REED. I only ask the Senator to yield for a question.

Mr. BRISTOW. Just a moment, until I get through reading this:

> While imports in the same month were $27,000,000 higher than the previous year. This turned an excess of exports in April, 1913, of $53,600,000 into an excess of imports in April, 1914, of $10,200,000. There was thus a violent shift of $63,800,000 in our trade balance within a single month. Usually we have an excess of exports, and it will be of interest to watch how long this change continues.

Now I yield to the Senator from Missouri.

Mr. REED. I merely wanted to ask the Senator what he was reading from.

Mr. BRISTOW. I am reading from a statement that was handed to me, issued by the banking house of Henry Clews & Co.

Mr. REED. Of No. 16 Wall Street?

Mr. BRISTOW. I do not know what the number is; but I desire to say that Wall Street seems to be very happy over this banking bill.

Mr. LIPPITT. Those are the Government statistics.

Mr. LODGE. Those are the Government figures. There is no doubt about that.

Mr. REED. Henry Clews is rather good authority, but I am surprised that the Senator from Kansas would defile his tongue by quoting from anybody who had ever been on Wall Street.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I do.

Mr. LODGE. Those are the Government figures, taken from the Government reports. They were all put in here by the Senator from Utah [Mr. SMOOT] the other day.

Mr. BRISTOW. The Senator from Missouri seems to be shocked that I should quote somebody from Wall Street. I have not any objection to quoting anybody from Wall Street. I think the Senator is probably quite as friendly to Wall Street as I am, because he supported a currency bill which is very satisfactory to Wall Stret, while I had the pleasure of voting against it.

Mr. REED. Yes, Mr. President; I supported a bill which was opposed by about 90 per cent of the Wall Street people, and which has been generally accepted by the country, while the Senator from Kansas floundered around for some months and never lit anywhere.

Mr. BRISTOW. I do not think the Senator from Kansas has floundered on any proposition any more than the Senator from Missouri did on the Currency Committee.

Mr. REED. Mr. President, that is a horrible indictment to bring against a man, because it is only a few months since we were specifically interrogating the Senator from Kansas as to what party he belonged to, and he could not tell us whether he was a Republican, a Progressive, or whether he was just off in a flock by himself. He absolutely stood mum. He invoked his constitutional rights and refused to incriminate himself.

Mr. BRISTOW. The Senator from Kansas always answers questions when he desires to do so. He has never been at sea as to where he stood on anything. He reserves to himself the right to answer or to refuse to answer any question that may be asked him.

Mr. REED. I understand the Senator is always ready to answer when it is fortunate for him to answer; but being in that unhappy condition when he wanted the votes of both the Republicans and the Progressives, and was uncertain in which camp to alight in order to get the most votes, he invoked his privilege of refusing to answer at all.

Mr. BRISTOW. I would not want the parallel to be drawn, because it would not be pertinent; but if the Senator from Kansas should be as successful in this alleged hesitation as to his political alliances as the Senator from Missouri was when he got two regional banks for his State out of the law which he finally supported after much tribulation and travail, the Senator from Kansas would be eminently successful.

Mr. REED. Why, Mr. President, if the Senator from Kansas will follow my course diligently he will be able to achieve success once in a while in the State of Kansas.

Mr. BRISTOW. That may be true. I do not care to take any more of the time of the Senate on these personal matters while we are considering the tolls bill.

Mr. HUGHES. Mr. President, will the Senator permit me to ask him a question?

Mr. BRISTOW. Yes.

Mr. HUGHES. Is it not true that during the first year of the operation of the Payne-Aldrich law similar situations existed in separate months with reference to a change in the amount of exports and imports?

Mr. BRISTOW. That is a matter with which I am not familiar. I have not looked it up.

Mr. SHAFROTH. Before the Senator yields the floor I should like to call his attention to this very tabulation which is made by Henry Clews & Co.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. SHAFROTH. I should like to call the Senator's attention, on the line of the increased price of stocks at present over the low price of 1913, to the following:

Amalgamated Copper: Present price, 72⅜; low price of 1913, 61⅝; an increase of 11 per cent.

American Car & Foundry, common: Present price, 50⅛; low price of 1913, 36½; an increase of nearly 14 per cent.

American Car & Foundry, preferred: Present price, 118; low price of 1913, 108; an increase of 10 per cent.

The next is American Locomotive, common: Present price, 33; low price of 1913, 27; an increase of 6 per cent.

American Locomotive, preferred: Present price, 98⅝; low price of 1913, 94; an increase of 4⅝ per cent.

Take the price of the common stock of the American Smelting & Refining Co.: Present price, 64; low price of 1913, 58½; an increase of 5½ per cent.

American Smelting & Refining, preferred: Present price, 100⅝; low price of 1913, 97; an increase of 3⅝ per cent.

Mr. BRISTOW. Has the Senator there the quotations for 1912, also?

Mr. SHAFROTH. No. Nearly all of these figures run that way.

Mr. BRISTOW. Those are the low prices?

Mr. SHAFROTH. Yes, sir; those are the low prices.

Mr. BRISTOW. The high prices are not quoted; but a proper comparison would be with the quotations of 1912 instead of those of 1913, as the Senator must admit. The comparison he makes is against himself when he compares 1913 and 1914.

Mr. SHAFROTH. It shows that more money has been let loose; consequently, interest is lower, and consequently stocks and bonds are rising a little, though not very much; but when this law gets into operation the rise will be very great.

Mr. BRISTOW. But a comparison between 1914 or 1913 and 1912 would be a better comparison, so far as comparing the two systems is concerned.

Mr. SHAFROTH. No; because the bill was passed on the 23d day of December, 1913, and therefore it is fair to take the quotations for the year 1913 and compare them with the quotations for 1914.

Mr. BRISTOW. That was in prospect of the new system, and not the established condition under the old system.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask that the canal tolls bill be laid before the Senate.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14385.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an

act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. STERLING. Mr. President, I had once thought to content myself with no further expression on this issue than such as would be found in my vote for the repeal of that clause of the Panama Canal act which exempts our coastwise vessels from the payment of tolls.

But as I have listened to the debate and have observed the force and apparent earnestness of the opponents of repeal as well as the ability and the skill with which they have marshaled facts and arguments, I have felt more and more impelled to avail myself of the opportunity before the vote is taken to state my own humble views as to the meaning of the Hay-Pauncefote treaty—views held from the first, but confirmed and strengthened by such thought and study as I have been able to give the subject since it has been under discussion here.

It is worthy of note that the President of the United States some weeks prior to March 5, 1914, had determined to recommend to Congress the repeal of the clause in controversy, and that on that date he appeared before the joint assembly of the House and Senate, and in perhaps the shortest message ever delivered to Congress, barring, of course, the message used for the transmittal of some report or document, said among other things:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

Contrasting the message with others, he informed us that no communication he had theretofore addressed to the Congress "carried with it graver or more far-reaching implications as to the interest of the country."

In that message the President pleaded only the ultimate facts; he did not "anticipate the defense" and did not seek to confess and avoid the clear declaration of the platform of his party upon the subject—a declaration, it would seem, more or less potent in determining the attitude of leading members of the President's party in both the House and Senate. Nay, more, the message vouchsafed no word of explanation of the President's changed attitude in regard to that plank of the platform which favored "the exemption from toll of American ships engaged in the coastwise trade passing through the canal," and which the President himself had emphasized and indorsed during the campaign.

We can not, however, ignore the importance, not to say seriousness, of the President's message. To these his disregard of the platform declaration and his own previous personal view but give new emphasis. They serve, moreover, to convince me that whether the President and those who agree with him are right or not, the motives which influence him in urging this repeal are patriotic and can not be impugned.

One ground of repeal urged by the President was that the law is in violation of the Hay-Pauncefote treaty. Most of what I have to say will be confined to that phase of the subject.

In considering the effect of the language of an international treaty, may we not turn to the courts for a guide? They have laid down rules for the construction of statutes and constitutions. It can not be irrelevant to refer to some of them, for I assume that the rule for the construction of the language of a statute must in the main be the rule for the construction of a treaty, which is the supreme law of the land.

In construing the terms of this treaty we may consider, first, the import of the words themselves; second, the object sought to be accomplished by the treaty; third, if yet there be doubt, then resort may be had to historical investigation for the purpose of clearing away the obscurity created by the language of the treaty.

I invoke a rule laid down many years ago in a great case by a great Chief Justice. It is a rule applicable whether the construction of the language of a constitution, a treaty, or a statute is sought to be made narrow and restricted on the one hand, or liberal and enlarged on the other. It is the rule which would neither extend nor limit words "beyond their natural and obvious import." In exemplifying this rule Chief Justice Marshall, in Gibbons against Ogden, says:

As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said. If, from the imperfection of human language, there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. We know of no reason for excluding this rule from the present case—

And, further—

we know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.

There is the rule, a rule of reason and of common sense. It is the touchstone before which every effort to construe the words to fit some particular theory or exigency must give way. No diplomatic legerdemain, no casuistry will prevail against it. The enforcement of this rule of construction of statutes and constitutions has brought punishment to the guilty, has protected the weak against the unscrupulous strong, and has held the individual and the corporation to the fulfillment of obligations they would have evaded. It is the cardinal rule of construction which, applied by the courts to statutes, both State and Federal, has set at naught the play upon words and the technical and overrefined distinctions which would have avoided their true intent and force. The words used by the high contracting parties in the Hay-Pauncefote treaty seem on their face plain enough.

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Is not the United States one of "all nations"? Is it not one of "all nations observing these rules"? What is the natural and obvious import of the words? Of course we are not limited to the words of a sentence or paragraph for an understanding of its meaning, but to ascertain such meaning may consider the words of the entire treaty. But taking the words of this first rule, their perusal hardly suggests a necessity for resort to extraneous facts, nor a further study of the object sought to be accomplished by the treaty; nor that we must seek the interpretation of diplomats or international lawyers; nor in fact resort to any of the aids which the law permits when the terms of a statute are of doubtful meaning.

Whatever the suggestions or influences which may lead to more critical study or to perhaps a different judgment, I submit that to the impartial and reasonably intelligent mind, knowing the United States to be a party to that agreement, the words are not ambiguous; their fair import is that the United States is included among the nations observing the rules and is bound by them.

To such a mind it will be far from 'evident' that the language of article 3, relating to the adoption of rules for the neutralization of the canal, relieves the United States from their observance, for by this language the United States does not undertake to prescribe rules for the neutralization of the canal. In the language of the article, she "adopts" them—accepts, receives, makes them her own. Moreover, the adoption of the rules is not by her own original declaration or on her own initiative. It is her solemn engagement with Great Britain. Considering the end to be reached as it appears on the face of the treaty, it would not have been an unreasonable construction to say that if the United States had agreed to "prescribe" the six rules set forth in the treaty instead of to "adopt" them the fair intendment would have been that she did in fact adopt them for the purpose of observing them herself and requiring their observance by every other nation using the canal for its vessels of commerce and of war.

Now, what is the object sought to be accomplished by article 3 as appears upon the face of the instrument from the words employed? The purpose of this article is the great feature of the treaty. It has given rise to all this controversy. Aside from article 3 there is the simple agreement that the treaty shall supersede the Clayton-Bulwer treaty and that the canal may be constructed under the auspices of the United States in either one of three mentioned ways. And that is all; for it must be remembered that the "rights incident to such construction" and "the exclusive right of providing for the regulation and management of the canal," conferred by article 2, are made "subject to the provisions of the present treaty." That is, they are made subject to the provisions of article 3, which contains these much-debated rules, the expressed object of which is the neutralization of the canal.

Mr. President, what must have been the mutual understanding, for there were two parties to this agreement superseding the 50-year-old Clayton-Bulwer convention, just as there were two parties to that? Did the minds of the parties meet and agree upon a proposition which would exempt the United States from the observance of the rules framed for the evident purpose of securing the peace and safety of this canal in time of war and the free and equal treatment of the ships and commerce of all the nations using it? Did Great Britain knowingly consent to such exemption?

Mr. President, there is a strange inconsistency in some of the arguments opposed to repeal—rather, perhaps, an inconsistency of attitude than of argument. For, according to the views of some Senators as expressed in this debate, the course of Great Britain, especially in her dealings with the United States, has been one of perfidy and cunning; it has even been declared that she never made an important treaty with the United States but that she afterwards violated it; that she invariably seeks her own advantage and the advantage of her citizens and subjects to the detriment of other nations. And yet, according to the interpretation put upon the Hay-Pauncefote treaty by these selfsame Senators in asserting our rights under it, we find Great Britain in making it was so lavish of good will toward the United States and had such a burning desire to further our ambitions and our commercial welfare that while pretending to secure the neutralization of the canal and free and equal terms for all, she meant that the United States should have for her commerce the advantage over all, including, of course, Great Britain herself.

Which horn of this dilemma will you take? That she actually did get the treaty she intended, with stipulations to our disadvantage as usual, or that departing from her customary tortuous methods and selfish purposes she generously conceded everything to the Nation against which it is her habit to commit wrong.

If the former theory is to prevail, it still is a treaty, and though its provisions may be burdensome, national honor would dictate that we abide by it until it is honorably modified or abrogated.

If, however, you hold to the view that Great Britain intended this great advantage should accrue to the United States at the time the treaty was signed by the plenipotentiaries, you assume a mighty burden in the attempt to prove her faithlessness, and that her present construction is a repudiation of her then voluntary act to the contrary. There is positively no evidence to convict Great Britain of duplicity in this regard. She declares now she never consented to the exemption of American coastwise trade from toll payments. She promptly declared it through her chargé de affaires, Mr. Innes, in July, 1912, while the proposed exemption was under discussion in the Congress, in his note to our Secretary of State. She declared it through her Secretary of State for Foreign Affairs, Sir Edward Grey, in his lengthy note to Ambassador Bryce, presented, as it was, to Mr. Knox, our Secretary of State. And England's claim is more than corroborated; it is established out of the mouths of our own witnesses, the negotiators of the treaty themselves. Mr. White, secretary of the embassy, in his testimony before the Senate Committee on Interoceanic Canals, found on page 131 of the hearings, wherein he narrates his interview with Lord Salisbury, describes Lord Salisbury as saying:

> I think that in due course of time we shall consent to the abrogation of such parts of the Clayton-Bulwer treaty as stand in the way of your building the canal, subject, however, to one condition on which we lay great stress, namely, that the ships of all nations shall use the canal or go through the canal—

I think he said—

> on equal terms.

This conversation was in December, 1898.

It is inconceivable that Lord Salisbury at that time could have entertained the view that the United States was not to be one of the "all nations," subject to the provisions of any treaty which might be made.

Again, Mr. White says on page 132 of the hearings:

> During the entire period of those negotiations and in all my conversations with Lord Salisbury or with anyone else on either side of the Atlantic, I never heard the subject of our coastwise traffic mentioned. It was always assumed by those carrying on the negotiations—it certainly was by me in my interview with Lord Salisbury—that he meant that our ships should be considered, or, rather, that the United States should be considered as included in the term "all nations."

Mr. White further testifies that never, from beginning to end, had he any suggestions from any direction that our coastwise ships should be treated differently from other ships; that it was considered by him—and that he knew it was by Mr. Choate and by Lord Salisbury, because that seemed to be the point made by him—that all ships were to be treated in the same way.

Ambassador Choate himself in his letter of April 13 last, transmitting to the Senator from New York [Mr. O'GORMAN] the diplomatic correspondence, has this to say:

> These, if carefully perused, will, I think, be found to confirm my view that the clause in the Panama Canal act exempting our coastwise shipping from tolls is a clear violation of the treaty.

I said that the expressed object of the six rules was the neutralization of the canal. It has been argued here with great force and skill that since "neutralization" applies to a condition of war with its belligerents on the one hand and with the places, persons, or things which by treaty or rules of international law are "neutralized" or rendered immune from hostilities, on the other hand, that therefore the first paragraph of article 3 following the introductory clause, and which provides that—

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination—

and so forth, has nothing whatever to do with "neutralization." But that is not what the treaty says. I am considering the natural and obvious import of the words. It is a bold leap to the conclusion that the negotiators of this treaty, after two years of study upon this introductory clause and the rules following, did not mean what they said when among the specific rules to be adopted as a basis for the neutralization of the canal they framed the one providing for the free and equal use of the canal on terms of entire equality, and named it rule 1. Whatever, then, may have been the use and meaning of "neutralization" in international law or other international treaties, or granting that always theretofore it had applied to a state of war, it was here in the Hay-Pauncefote treaty in terms given a more extended meaning, and made to apply to and embrace equality of treatment. This conclusion would seem to flow irresistibly from the words, the phraseology, and the arrangement and numbering of the rules. But we are not limited to the text. There are other sources of enlightenment.

The six rules adopted are substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal. I turn to that convention. I find several references for the free use of the canal. But article 12 is more than that. It may be called the counterpart of our rule 1 in the Hay-Pauncefote treaty, and is as follows:

> The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

But this is not quite all. Considering the international interest in and knowledge of the subject, Sir Edward Grey would hardly have dared assert equality of treatment as the basis of the Suez Canal convention unless it had been so understood by the high contracting powers. In his note of November 14, 1912, to Ambassador Bryce, he says:

> His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal of 1888.

Further in that same note he says:

> It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future. Neutralization must therefore refer to the system of equal rights.

There is, of course, the other evidence furnished by the reference in the preamble of the Hay-Pauncefote treaty to the principle of neutralization contained in article 8 of the Clayton-Bulwer treaty, and such principle is not to be impaired by the present treaty; but article 8 of the Clayton-Bulwer treaty contains no reference whatever to the rights or obligations of the parties in case of war or hostilities. It is understood by the United States and Great Britain that in granting the joint protection to any canals or railways specified in the article—

> that the parties constructing the same shall impose no other charges or conditions of traffic than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

So it is evident that equality of treatment is the general principle of neutralization referred to in the Clayton-Bulwer treaty.

And, according to Sir Edward Grey, "it was upon that footing and upon that footing alone that the Clayton-Bulwer treaty was superseded."

I desire to call special attention to this: Undoubtedly Mr. John Bassett Moore, who is among the greatest if not at the head of the authorities on international law, had the Suez Canal convention and the Clayton-Bulwer treaty, if not others, in mind when he said in his article, reprinted from the New York Times, March 4, 1900, that—

> Equality of tolls has also been treated as a feature, or, perhaps, rather as a condition, of neutralization. Little need be said on this subject, since a discriminative policy, even if it did not lead to the immediate building of another canal, would merely provoke retaliation in some other form and prove in the end to be impracticable.

So, Mr. President, it is not 'evident' that the first paragraph is not one of the rules contemplated by the introductory clause of article 3. The law and the evidence are all the other way. The words of the treaty, the object sought, history, and author-

ity on international law lead inevitably to the conclusion that "neutralization" as used and understood in the Hay-Pauncefote treaty included as its prime feature and object the equality of tolls as provided in rule 1.

In seeking an interpretation of this treaty consistent with the right to exempt our coastwise vessels resort has been had to words spoken in debate; to the opinions or testimony of individual Senators expressed at the time or afterwards. It is urged that when the first Hay-Pauncefote treaty was under discussion in December, 1900, the views expressed by some Senators when the Bard amendment was offered should have weight in determining the meaning of the treaty finally adopted.

That amendment reserving to the United States "the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade," was defeated by a vote of 47 to 23. For what was said we are dependent on the recollections of Senators who were present. To what extent Senators were influenced by the argument or explanation of any Senator is altogether uncertain. The admission of such evidence in court for the purpose of determining the disputed meaning of a statute, State or Federal, would not be tolerated. A treaty is a law, the supreme law of the land. I know of no rule which will admit the interpretation of the meaning of a treaty by the statement of a Senator as to what was said in debate upon the treaty and not admit his statement as to what was said by himself or a fellow Member in the discussion upon any bill which later became a law. As applicable to a statute the Supreme Court of the United States in the Trans-Missouri Freight Association case (166 U. S., 290) uses this language:

> There is, too, a general acquiescence in the doctrine that the debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and, upon occasion, by a resort to the history of the times when it was passed.

As the words spoken in debate are not admissible in a court of justice for the purpose of showing what was intended or meant by an act, so the testimony or opinions of individual Members are not admissible for such purpose.

There can be no better statement of the principle and the reason for it, all in one, than that by the court in the case of Richmond *v.* Supervisors (83 Va., 204):

> The intention of the draftsman of the act or of the individual members who voted for and passed it, if not properly expressed in the act, it is admitted has nothing to do with the construction. The only just rule of construction, especially among a free people, is the meaning of the law as expressed to those to whom it is prescribed and who are to be governed by it.

And so here; although Senators may in all sincerity bring forward for what weight they may have the opinions of Members to show intention other than the words of the treaty import, we must inevitably come back to that just rule of construction, namely, the meaning of the law as expressed to those to whom it is prescribed. The treaty was between the United States and Great Britain, but the canal will be used by every nation having foreign commerce. It is not improper to say the treaty is prescribed to the nations of the world, and the world is against our construction of the treaty as expressed in the exemption clause of the Panama Canal act.

The reason other nations have not made formal protest may be found in the fact that they are not parties to the treaty. And I may misjudge sentiment, I may not understand it, but let me pause to observe that so far as the treaty is a law prescribed to a free American people I feel satisfied the meaning of the law as expressed to the overwhelming majority is just as the high contracting powers declared:

> The canal shall be free and open to the vessels of commerce and war of all nations * * * on terms of entire equality.

They who framed the treaty and all for whom it was framed must, in the language of Marshall—

> be understood to have employed words in their natural sense and to have intended what they have said.

There is for the Bard amendment incident a proper and legitimate use.

The amendment declared for a policy—the very policy enacted into law in 1912, the policy of discrimination in favor of the coastwise trade. The amendment was clear and specific in its terms. The fact that it was offered is proof of the author's interpretation of the treaty without the amendment or proof, at least, of his fear of it without the amendment. It was rejected, and from its rejection comes the presumption that the Senate was not then in favor of a policy of discrimination. This is the legitimate use of the circumstances attending the Bard amendment, and for this purpose and this legitimate conclusion we may consult the only record which the removal of the injunction of secrecy upon the Senate proceedings will give us. In any event, whatever may have been the understanding of some, I know of no evidence which shows that the treaty did not express the understanding of the requisite majority of the Senators at that time, namely, that all nations should, without discrimination, have the right to the free and equal use of the canal.

Mr. President, in view of the meaning and purpose of this treaty as disclosed by its terms and by the circumstances attending its execution it seems hardly necessary to seek further confirmation for the views here advanced. But there is the evidence of history, showing our attitude and purposes concerning this great enterprise. The evidence is cumulative; it gathers force as it goes. When Mr. Clay in 1826 instructed the American delegates to the Panama Congress—

> that the benefits of it [the canal] ought not to be exclusively appropriated by any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls—

it was not quite as much as to say that the canal should be open on terms of entire equality to the vessels of all nations and that there should be no discrimination. But the subject, from a national standpoint, was new, and this was the first authoritative declaration of the attitude of the United States concerning it. Mr. Clay, considering the time and the circumstances, could hardly have been more specific, and yet, broad-visioned statesman that he was, he used the language indicating the purpose to adopt a broad and liberal policy respecting the use and control of the canal toward the other nations of the world. It was a declaration which foreshadowed every subsequent official or diplomatic act or treaty of the United States in regard to the enterprise, whether consummated or only proposed, and every act or resolution of Congress down to and excepting only the act of 1912.

It may be granted that we were sometimes impelled by other motives than mere generosity in these earlier manifestations of our policy in regard to the canal. We knew the advantages and the attractiveness of such an enterprise to the other commercial nations of the world, some of them more powerful than we ourselves, perhaps. We knew our inability to then build it alone, and that it would be most difficult to find in all America the capital necessary for so vast an undertaking; and when a Dutch company, under the patronage of the King of Holland, in 1830 had secured the necessary concessions and was apparently about to begin the work of construction, our fears were aroused, and we then, at that early day, were vigorous in the assertion of our right—not to control, but merely to enjoy equal privileges in the use of the canal. To this end the demand was made that American citizens and even the Government itself should be permitted to subscribe to the stock of the canal company. The enterprise of the Dutch company was a failure, but it proceeded far enough to arouse apprehension that some foreign power might monopolize this great water highway, and thus from claiming a right to an equal privilege for ourselves when we were without the power to do more, we unreservedly adopted the policy of favoring equal privileges to all and have again and again proclaimed it to the world.

Have we not passed the day when might makes right in the intercourse of nations? Is it to be left to the United States to first claim an equal privilege, then proclaim it, then deny it because she has the power?

The Senate of the United States in 1835 was more specific in its declaration of the purpose of this Government toward an interoceanic canal than was Mr. Clay nine years before. By resolution passed March 3 of that year, the President was requested to open negotiations with other nations, particularly with the Governments of Central America and New Granada, for the purpose of protecting such individuals or companies as might undertake to open communication between the two oceans by the construction of a ship canal, "and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

We note the words "the free and equal right of navigating such canal," and are impelled to ask, What is their natural and obvious import? Did the Senate of the United States in the adoption of that resolution employ words in their natural sense and intend what they said?

That we should now desire to compensate the great capitalist who has undertaken and completed the work by the collection of such reasonable tolls as would at least pay interest and for maintenance is but proper and natural.

The resolution passed by the House of Representatives four years later is even more clear in its expression of a purpose that the free and equal right to the use of the canal should be universal. That resolution requested the President—

To consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus, and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal by all nations.

Then came the treaty of 1846 with New Granada. Then the interpretation of that treaty by President Polk, in his message transmitting it to the Senate. Referring to the Senate resolution of 1835, he said the ultimate object as presented by that resolution was "to secure to all nations the free and equal right of passage over the Isthmus." How was it to be secured? The treaty with New Granada provided for neutralization of the canal. The President, recognizing that by such means only could the ultimate object be secured, said:

There does not appear to be any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Time will hardly justify, nor is it necessary, I think, the further citation from many high authorities, all expressing the same high purpose in regard to an interoceanic canal and the earnest hope for its fulfillment.

The view of President Cleveland, however, is of special significance in the light of altered conditions. In his message of December 8, 1885, he said:

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.

Further:

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties.

Further, President Cleveland continues:

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

"For the world's benefit," a trust for mankind, consecrated in advance to the common use of mankind by positive declaration and by treaties, a route open to all nations and subject to the ambitions and warlike necessities of none!

Mr. President, conditions have changed since Mr. Cleveland wrote and sent to the Senate that message withdrawing the unratified treaty with Nicaragua at that time and objecting to the attempt upon the part of the United States to acquire the right to build a canal through Nicaraguan territory. In acquiring the territory on which the canal is built, in securing the right to regulate and control it, subject to the rules we have adopted for its neutralization, we have in part diverged from Mr. Cleveland's policy of opposition to the "acquisition of new and distant territory," and yet it must be that something of the trust declared by all those earlier administrations and then wrought into subsequent treaties still exists. Our ownership, our control, but add to our responsibility. Instead of using them for the special advantage of any American interest, we should welcome them as the media whereby we shall graciously perform our obligation to promote that "entire equality" which the treaty demands.

I know that it is contended in certain quarters that since we have bought, built, and own, the doctrine of rebus sic stantibus applies; that under these materially altered conditions not contemplated at the time of the treaty the treaty is in fact abrogated. That Mr. Hannis Taylor is in error in his view to this effect, I think can be easily shown. He quotes the fourth article of the treaty, which provides—

That no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties to the present treaty;

and concludes that no serious person will ever attempt so to distort—that is the word—these plain and explicit terms as to make it appear that they were intended to cover the then entirely unforeseen acquisition of the territory now known as the Canal Zone by the United States. It may be. But recurring again to a principle of construction with which we started, what do the words import to any person, whether especially serious or not?

The expression "no change of territorial sovereignty" is very broad and would include without "distortion" the acquisition of territory by the United States on which to build the canal.

And this was the precise thing contemplated by the negotiators of the treaty. It was in view of a contingency of this kind that the provision was made, or, at least, such a contingency was the controlling consideration, as appears from the evidence, in producing that provision.

There was much discussion over article 4, originally article 3a, as prepared by Lord Lansdowne. Different modifications were suggested. The British authorities were not willing to give up article 3a altogether, and Mr. Choate, under date of September 21, 1901, writing to Mr. Hay, in his narration of the statements of Lord Lansdowne, says:

But he said they could not give up article 3a altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only; and he again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it; that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed—of the territory on both sides of the canal becoming ours—the canal, its neutrality, its being free and open to all nations on equal terms, should not be thereby affected; that without securing this they could not justify the treaty, either to Parliament or the public; that the preamble which had already passed the Senate was not enough, although he recognized the full importance of the circumstance of its having so passed.

He undoubtedly referred there to the statement in regard to neutralization found in the preamble of the treaty. These are trenchant words of Mr. Choate giving the view of Lord Lansdowne substantially in his own language less than 60 days before the treaty was signed. They not only effectually destroy the theory of Mr. Taylor, but that of Mr. Olney, based on the same ground, and most emphatically support the contention of the British Government and of our own diplomats on the point in controversy.

Why, Mr. President, it would not be a forced or constrained view to say that, in view of our historic attitude toward this canal, in view of our assurances of equality of benefits it would confer upon the nations of the world, given through diplomatic correspondence, resolutions of Congress, and messages of Presidents, that the acquisition of the territory, the ownership of the canal, with all the rights incident thereto, was merely casual or adventitious to the one great purpose of a canal open on equal terms to all, and that under whatsoever conditions it might be constructed, whether as a result of treaty or not, it would when constructed be free and equal to all who would treat it as neutral ground.

I know there are others on my side of this Chamber, for whose learning and judgment as lawyers and students I have profound respect, with whom I am happy to be in agreement in most things, who differ from me here; but as I apply all the tests at my command—the words of the treaty, the history leading up to it, the indisputable understanding of the negotiators, and, not least of all, the internal evidence, the unreasonableness of Great Britain agreeing to anything else but equal tolls—I am thoroughly persuaded that the provision in the act of 1912, the repeal of which is asked, is an infraction of the Hay-Pauncefote treaty.

That the exemption of our coastwise traffic from the payment of tolls would be a discrimination prohibited by rule 1 has been, I think, abundantly shown.

Are we prejudiced by the treaty? Have we made a bad bargain, granting that the construction I have contended for is right, that ours is one of the "all nations," that "neutralization" involves equal tolls as well as protection against the chances and dangers of war?

Are our physical dangers enhanced? Do the people suffer from any commercial disadvantages sustained under this treaty?

Rules 2 to 6, inclusive, of article 3 all relate to a state of war or disorder, and are for the protection of the canal and the safety of the commerce passing through it.

The United States may be either a neutral or belligerent Nation. If the former, she would independently of the treaty, as owner of the zone through which the canal is built and under the law of nations, be bound to protect the neutrality of the canal.

Dr. Holland in his work on international law, in commenting on certain provisions proposed by Lord Granville to be incorporated in the Suez Canal convention, says that the provisions fixing a limitation of time as to ships of war, and prohibiting the disembarking of troops or munitions of war in the canal, and the provision that Egypt shall take all measures within its power to enforce the conditions imposed on the transit of belligerent vessels, are simply declaratory of the ordinary rules or usages of international law applicable to the territorial

waters of Egypt when its sovereign is neutral. And so with all like provisions in the Hay-Pauncefote treaty, they are but a codification, as it were, by treaty, of the law of nations affecting the use of the territory of a neutral by a belligerent nation. These are rules we are bound to observe, whether we adopt them or not.

Some fear has been expressed of the consequences that might flow from the prohibition against blockade, but an understanding of the meaning of the term will at once dispel the fear.

The provision that the canal shall never be blockaded is unnecessary, so far as any prohibition of this kind against the United States is concerned. The territory on which built, the canal itself, the ports at either end of the canal belong to the United States. A blockade by the United States would involve the absurdity of a nation blockading its own waters and ports. The term is never so used in international law. It is an enemy coast or port that is "blockaded." Moreover, a blockade exists when the vessels of all nations are prevented from entry or departure. If the United States as a belligerent nation were to prevent the men-of-war of an enemy nation from entering the canal, it would not be a blockade, and hence not within the prohibition of the rules. If the prevention by the United States of all vessels, vessels of war as well as vessels of commerce, vessels of an enemy nation as well as a neutral nation, could be termed a blockade, then I submit that the provisions of the treaty in regard to blockade should govern and the United States in the interests of peace and the commerce of the world should come within the rule. But such a proceeding on the part of the United States is not blockade, and happily it is a rule which no nation will ever invoke against the United States.

Being a neutral nation, the United States is bound to prevent any act of hostility within the canal. Being a belligerent nation, is she prevented by the rules from committing any act of hostility within the canal?

Plainly not, if that act of hostility is necessary for the preservation of the canal or the approaches to the canal, or to enforce the peace and order of the canal against an enemy, and I see no reason for supposing that international law would not give her the right as a belligerent nation to prevent by force the passage of any hostile vessel bent on attacking the fortifications at the canal or any port or place on either coast of the United States.

These provisions of the treaty must be construed in connection with that fundamental principle recognized in the law of nations as in the law governing individual conduct—the right of self-preservation. The rules of the treaty, instead of being inconsistent with these fundamental principles, are to be construed in the light of them. Nobody need be apprehensive of our safety or our rights under the war rules of the treaty.

I think I am safe in saying that prior to 1903, when by a fortunate coup de etat we acquired the Canal Zone, there was no sense of fear that we might suffer at the hands of our enemies through the use of the canal. Had it been built under the Clayton-Bulwer treaty, or a treaty made with any South or Central American Republic, it would have been under the stipulations guaranteeing its neutrality and making it open on terms of entire equality to the commerce of the world. The fear, contradictory as it may seem, is born of the very power we have, or else the possession of the power has given us a vision of the opportunity for great material and commercial advantage, stimulated a subtle genius for treaty interpretations, as it were, but blinded us somewhat to the value of the sense of fairness, the worth of national friendships, the sacredness of treaty obligations.

Mr. President, I have been most interested in examining the terms of the treaty itself and have given little attention to the economic side of the question. But it occurs to me that without any attempt to favor any interest we are going to reap great benefit from this canal. By reason of our proximity and the vastness of our coastwise trade, stimulated as it will be, too, by this means of quick transit, the trade itself will profit, the cities of either coast will profit, the people of the States bordering the Atlantic and Pacific will profit, and finally some modicum of benefit might filter down to the ultimate consumer in the interior of the country. We were glad to get rid of the Clayton-Bulwer treaty in order that we might build this canal for the general good. We had again and again estopped ourselves from denying its force, and were in the interest of peace and good will, if not in honor, bound to get rid of it before we could ourselves build and own the canal. We knew the enterprise would be to our great advantage and our great renown without a thought of greater advantage resulting from discrimination in favor of any American interest. I would rather not imperil the renown by seeking such greater advantage.

One feature of the situation is the two classes of special interests involved—the transcontinental railroad lines; the companies engaged in coastwise shipping trade. In opposing this repeal we frankly avow that the American Congress should so legislate as to "play off" one interest against the other, the alleged end in view being the public welfare and to conserve the public interests.

It does not appeal to me as an attractive spectacle; it is rather a confession of weakness, of inefficiency in government, of inability to employ the administrative means the law has already provided for the control of interstate rates and traffic. The railroads now spanning the continent have had their splendid share in the development of the resources of the Nation. They have annihilated distance. It is not fanciful to say they have peopled the forests and the plains stretching between the Alleghanies and Rockies and beyond. It is impossible to estimate the extent to which they have accelerated the advance of civilization into and throughout the wilderness of America, making it blossom as the rose. A century without their aid would show less of achievement in the settlement and development of our country than a brief dozen years with them. They have earned and proved their right to live. I think we have the means at hand in the powers given the Interstate Commerce Commission to let them live and under honest administration produce fair returns to their owning stockholders, yet subject always to the interests of the great public whom they serve. If we are without such means to regulate and control, to prevent extortion, let us with diligence find the means. It will be a thousand times more dignified, more in keeping with the idea of wholesome, efficient government than like a nation of hucksters and jockeys to say we will bring one great transportation interest "to time," or perhaps embarrass it by giving a gratuity or a subsidy to another transportation interest already specially favored.

For subsidy it would be. In his note of reply to Sir Edward Grey, the British secretary for foreign affairs, Mr. Knox, our then Secretary of State, lays great stress on the admission of His Majesty's Government that we would have the right to subsidize our vessels engaged in the coastwise trade, and without in terms anywhere claiming the right to discriminate by exempting such vessels from the payment of tolls he does say that such exemption would be a subsidy. It is so admitted by the opponents of repeal. I have but one question to ask. Say what we may about the wisdom of such a policy, what Senator here, Democrat or Republican, not living in a State bordered by the ocean or the Gulf, but in a State without its "bays and broad-armed ports where laughing at the storm rich navies ride," will declare his readiness now to support a bill for subsidy direct to vessels engaged in the coastwise trade, the property and the business not of the Nation, but of individuals and corporations who are not only already exempt from the tonnage duties which craft in foreign trade must pay, but have a monopoly of the coastwise trade as against the rest of the world? Yet tolls exemption is a subsidy. There is the widespread belief that a subsidy is wrong in principle. Without questioning whether it is or not I am opposed to any attempt to accomplish by indirection, and yet in this case to accomplish most effectually, what we would not attempt to accomplish by direct means, knowing the great public would disapprove and condemn.

Mr. President, an enterprise like the Panama Canal, of such tremendous advantage as it is likely to be to all our commerce, without discrimination in favor of any, should not be sullied or be the means now of laying us open to the charge of national selfishness by an attempt to secure for ourselves yet greater advantage. There is the treaty; to abide by it is not to surrender. Should its terms ever prove burdensome we may with profit recur to the words of Mr. Olney, on the Clayton-Bulwer treaty—

> If changed conditions now make stipulations which were once deemed advantageous either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty or explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

But I am satisfied that as time goes on we will never as a people regret that interpretation which appeals to the noblest impulses of men, which is free from selfishness, which involves a national magnanimity as great as the enterprise itself is vast. What we have wrought by our might, our wealth, our genius for engineering and physical achievement shall find a parallel worthy of the work in the free and equal use by the world to which we now devote it.

Mr. WALSH. Mr. President, in the course of the very remarkable and able address made by the distinguished senior Senator from New York [Mr. ROOT] a few days since, he said:

> No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it

will be real over-seas trade, carried on by great ships, making long voyages—in its nature the exact antithesis to real coastwise trade.

Mr. President, heretofore in this discussion it has been assumed that all vessels proceeding from one port of the United States to another port of the United States are engaged in the coastwise trade. The announcement of the contrary doctrine by the distinguished Senator makes it necessary to pause to inquire how much there is in the suggestion that this is not coastwise trade.

I am going to content myself, Mr. President, with submitting, for the information of the Senate, the adjudication of the courts, including the Supreme Court of the United States, upon that question. In the seventh volume of Cyclopedia, at page 268, will be found the following:

Coastwise trade: Coasting trade, trade, or intercourse carried on by sea between two ports or places belonging to the same country. (7 Cyc., 268.)

The question as to what is or is not coastwise trade or coasting trade received the attention of many of the courts in the earlier history of our country. I find that the Supreme Court of the State of California gave at one time a very succinct and terse definition in the case of San Francisco against the California Steam Navigation Co., reported in the tenth volume of the California Reports at page 505. The opinion is by Judge Baldwin, Judge Field, afterwards associate justice of the Supreme Court of the United States, concurring. The opinion is brief, and I read:

The acts relied on by respondent impose these dues on all vessels plying coastwise and entering the harbor of San Francisco; and the only question raised on the record is whether the defendants' vessels are embraced by this definition.

The terms "plying coastwise," in this connection, and the "coasting trade" have a settled meaning. They were intended to indicate vessels engaged in the domestic trade, or plying between port and port in the United States, as contradistinguished from those vessels engaged in the foreign trade or plying between a port of the United States and a port of a foreign country. This is evident from the various regulations of commerce made by acts of Congress and otherwise, and the numerous decisions of the Supreme Courts of the Union and of the several States. (See Benedict's Admiralty, 131, 123, 28, 35; 1 U. S. Stat. L., 55; Id., 94; Id., 305; 3 Id., 492; 5 Id., 304; see also 1 Wend., 557; Walker *v.* Blackwell, 1 Wend., 557; Gibbons *v.* Ogden, 9 Wheat., 1.)

In Steamboat Co. *v.* Livingston (3 Cowen, 713), the court, giving a definition of the words "coasting trade," says: "According to the coasting trade, it means commercial intercourse carried on between different districts in the same State and between different places in the same district on the seacoast or on a navigable river."

* * * * * * *

These authorities, and many more cited by the respondent's counsel, are conclusive of the legal meaning attached to the language criticized when used in revenue and navigation laws, and they are decisive of this case.

The Supreme Court of the United States said in the case of Belden against Chase, reported in One hundred and fiftieth United States, at page 696:

Ordinarily the terms "coaster" and "coasting vessel" are applied to vessels plying exclusively between domestic ports, and usually to those engaged in domestic trade as distinguished from vessels engaged in the foreign trade or plying between a port of the United States and a port of a foreign country. (Gibbons *v.* Ogden, 9 Wheat., 1.)

The very question that is here presented came before the Supreme Court of the United States in the case of Huss *v.* New York & Porto Rico Steamship Co. (182 U. S., 392), in which the question was presented as to whether a vessel engaged in trade between Porto Rico and New York was engaged in the coastwise trade. The court says with reference to it—I read from the syllabus:

Vessels engaged in trade between Porto Rican ports and ports of the United States are engaged in the coasting trade in the sense in which those words are used in the New York pilotage statutes, and steam vessels engaged in such trade are coastwise steam vessels under Revised Statutes, section 4444.

I read from the body of the opinion as follows:

Under the commercial and navigation laws of the United States merchant vessels are divisible into two classes: First, vessels registered pursuant to Revised Statutes, section 4131. These must be wholly owned, commanded, and officered by citizens of the United States, and are alone entitled to engage in foreign trade. And, second, vessels enrolled and licensed for the coasting trade or fisheries. (Rev. Stat., sec. 4311.) These may not engage in foreign trade, under penalty of forfeiture. (Sec. 4337.) This class of vessels is also engaged in navigation upon the Great Lakes and the interior waters of the country; in other words, they are engaged in domestic instead of foreign trade.

The words "coasting trade," as distinguishing this class of vessels, seem to have been selected because at that time all the domestic commerce of the country was either interior commerce or coastwise, between ports upon the Atlantic or Pacific coasts or upon islands so near thereto and belonging to the several States as properly to constitute a part of the coast. Strictly speaking, Porto Rico is not such an island, as it is not only situated some hundreds of miles from the nearest port on the Atlantic coast, but had never belonged to the United States or any of the States composing the Union. At the same time trade with that island is properly a part of the domestic trade of the country since the treaty of annexation, and is so recognized by the Porto Rican or Foraker Act. By section 9 the Commissioner of Navigation is required to "make such regulations * * * as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on April 11, 1899, * * * and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States." By this act it was evidently intended not only to nationalize all Porto Rican vessels as vessels of the United States, and to admit them to the benefits of their coasting trade, but to place Porto Rico substantially upon the coast of the United States and vessels engaged in trade between that island and the continent as engaged in the coasting trade. This was the view taken by the executive officers of the Government in issuing an enrollment and license to the *Ponce*, to be employed in carrying on the coasting trade, instead of treating her as a vessel engaged in foreign trade.

Not only that, Mr. President, but long ago Congress declared that commerce between Alaska and any port of the United States, of course the vessels engaged in that commerce, passing through the waters adjacent to foreign countries is coasting trade, and that commerce is entitled to the same exemption and subject to the same restrictions as the coasting trade generally. With reference to that the Supreme Court says, in the opinion from which I am reading:

That the words "coasting trade" are not intended to be strictly limited to trade between ports in adjoining districts is also evident from Revised Statutes, section 4358, wherein it is enacted that "the coasting trade between the territory ceded to the United States by the Emperor of Russia, and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts." These great districts were, for the more convenient regulation of the coasting trade, divided by the act of March 2, 1819 (3 Stat., 492, ch. 48), as amended by the act of May 7, 1822 (3 Stat., 684; Rev. Stat., sec. 4348), as follows: "The first to include all the collection districts on the seacoast and navigable rivers between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection districts on the seacoast and navigable rivers between the River Perdido and the Rio Grande; and the third to include all the collection districts on the seacoast and navigable rivers between the southern limits of Georgia and the River Perdido." A provision similar to that for the admission of the Territory of Alaska was also adopted in the act to provide a government for the Territory of Hawaii (31 Stat., 141, sec. 98), which provides that all vessels carrying Hawaiian registers on August 12, 1888, and owned by citizens of the United States or citizens of Hawaii, "shall be entitled to be registered as American vessels, * * * and the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts."

This use of the words "coasting trade" indicates very clearly that the words were intended to include the domestic trade of the United States upon other than interior waters. The district court was correct in holding that the *Ponce* was engaged in the coasting trade, and that the New York pilotage laws did not apply to her.

That case as it was considered in the lower court is reported in One hundred and fifth volume Federal Reporter, at page 78, from which I read, as follows:

Upon the acquisition of Alaska the same terms were used and in the same manner for the extension of the "coasting trade" between the United States and that Territory far beyond any contiguous coast line of the United States (act July 27, 1868; Rev. Stat., sec. 4358), and in the act of April 30, 1900, to provide a government for the Territory of Hawaii (31 Stat., 141, 161, ch. 339, par. 98), there is also provision for the "coasting trade between the Hawaiian Islands and any other portion of the United States," in the same language that is employed in the last clause of section 9. This extended use of the words "coasting trade" was already familiar. Numerous decisions of the Commissioner of Navigation as respects trade and navigation by American vessels between these Territories and the United States have, moreover, held such trade to be a part of the coasting trade of the United States, entitling the vessels to sail under enrollments and licenses with the privileges and exemptions attaching thereto (Dec. 6,106, Jan. 8, 1884; also Decs. 5,618, 18,859, 19,364, 22,201, May 3, 1900); and the same has been ruled by the commissioner with regard to trade with Porto Rico since the act of April 12, 1900, by Treasury decision 22,232, May 16, 1900. It was under these rulings that the registers of these vessels were surrendered and coasting licenses taken out.

Mr. President, significance is given to this language not only in this country but as well as in England, for by their general customs-consolidation act of 1876 the coasting trade is defined as follows:

All trade by sea from one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships employed therein shall be deemed coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond seas.

Accordingly, Mr. President, it occurs to me that in the further consideration of this matter we shall be obliged to consider that our own vessels passing through the Panama Canal from one port of the United States to another port of the United States are in law engaged in the coasting trade.

Mr. THORNTON. Mr. President, if no Senator desires to address the Senate at this time on the subject of the unfinished business, I ask that it may be temporarily laid aside.

The PRESIDING OFFICER (Mr. HITCHCOCK). Without objection, it is so ordered.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I now ask unanimous consent to have taken up for consideration House bill 14034, being the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. THORNTON. Mr. President, as Senators will see by the report on the bill, the estimates of the department for the naval appropriation bill for this year were something in excess of $144,000,000. The House cut that down by over $4,000,000, leaving the amount reported something over $139,000,000, nearly $140,000,000, and the bill was passed by the House substantially for that amount. The amount as reported by the Senate committee is not quite $141,000,000, being an increase over the House bill of slightly over $1,000,000.

The principal items of increase in the Senate bill over the House bill are for the Indianhead powder factory, the increase in the appropriation for the various navy yards, for fuel-oil storage at San Francisco, and the naval disciplinary barracks, the largest single item being half a million dollars for the Indianhead powder factory.

It has been the object of the committee to avoid all useless expenditures in this bill, while at the same time giving all that was considered absolutely necessary for the use of the department—not for the sacrifice of human life, as was said on this floor by a Senator last week; not for the purpose of men killing each other, as was said by another Senator during the same afternoon; but in order to maintain the efficiency of that great arm of the national defense which lately has so splendidly demonstrated its ability to move swiftly and act strongly in the matter of the protection of the national honor.

I now ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none. The Secretary will read the bill.

Mr. BRISTOW. Mr. President, a great many Senators are absent who probably do not know that the naval bill is now being taken up. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Sheppard
Brady	Hitchcock	Martin, Va.	Shively
Bristow	Hollis	Nelson	Stephenson
Bryan	Jones	Norris	Sterling
Burton	Kenyon	O'Gorman	Sutherland
Catron	Kern	Oliver	Swanson
Chamberlain	La Follette	Page	Thornton
Clapp	Lippitt	Perkins	Tillman
Cummins	Lodge	Pomerene	Vardaman
du Pont	McCumber	Saulsbury	Walsh

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present.

Mr. KERN. Let the names of the absentees be called.

The PRESIDING OFFICER. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. CRAWFORD, Mr. GALLINGER, Mr. JOHNSON, Mr. LANE, Mr. MYERS, Mr. PITTMAN, Mr. RANSDELL, Mr. SHAFROTH, Mr. SMITH of South Carolina, Mr. STONE, Mr. THOMPSON, Mr. WILLIAMS, and Mr. WORKS answered to their names when called.

Mr. HUGHES, Mr. CLARK of Wyoming, Mr. REED, Mr. GORE, Mr. BRANDEGEE, Mr. ROBINSON, Mr. SMITH of Maryland, and Mr. WHITE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The Secretary will read the bill for action on the amendments of the committee.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 3, line 24, after the word "proper," to strike out "$46,000" and insert "$150,000," and, on page 4, line 6, after the date "1915," to insert "*Provided further*, That the sum of $104,000, or so much thereof as may be necessary, be expended, on the approval and authority of the Secretary of the Navy, for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February 15, 1911, and of the authority contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, approved March 4, 1911, and for defraying such other expenses incident to the visit of the said foreign fleets as the Secretary of the Navy may deem proper, and the said sum shall be available until November 15, 1915," so as to make the clause read:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $150,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1915: *Provided further*, That the sum of $104,000, or so much thereof as may be necessary, be expended, etc.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

That the tolls that have been or may be prescribed by the President, in pursuance of the authority contained in the Panama Canal act, approved August 24, 1912, to be levied by the Government of the United States for the use of the Panama Canal shall not be assessed against nor collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or in returning from the Panama-Pacific International Exposition: *Provided*, That such vessel has been sent by its Government to attend and participate in the said exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February 15, 1911, and of the authority contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, approved March 4, 1911.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

The Secretary of the Navy is hereby authorized and empowered to define and establish suitable anchorage grounds in Hampton Roads, Va., and the adjacent waters for the combined fleets of the United States and foreign Governments which may rendezvous there prior to proceeding to the Panama-Pacific International Exposition, to be held at the city and county of San Francisco, Cal., in the year 1915, as well as to define and establish suitable anchorage grounds in the Bay of San Francisco and the approaches and waters adjacent thereto during the continuance of the said Panama-Pacific International Exposition, and the Secretary of the Navy is hereby further authorized to make such rules and regulations regarding the movements of all vessels in all of the waters named as may be necessary in order to insure the proper and orderly conduct of such features as may be planned for the combined fleets and to provide for the safety of the vessels participating therein; and such rules and regulations when so issued and published shall have the force and effect of law.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 7, line 12, after the words "recruiting parties," to strike out "$130,000" and insert "$150,000," so as to read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $150,000.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the word "ranges," to strike out "$100,000" and insert "$115,000," so as to make the clause read:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, $115,000.

The amendment was agreed to.

The next amendment was, on page 11, line 17, after "$90,000," to insert: "*Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office," so as to make the clause read:

Ocean and lake surveys.—Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase of nautical books, charts, and sailing directions, $90,000: *Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "consideration," to insert: "*And provided further*, That the pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section 4 of the act approved March 3, 1883, under such regulations as the Secretary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund," so as to read:

That the governor of the Naval Home is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his heirs or next of kin: *And provided further*, That claims may be presented hereunder at any time within five years after moneys have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration: *And provided further*, That the pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section 4 of the act approved March 3, 1883, under such regulations as the Sec-

retary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 19, line 6, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For modifying or renewing breech mechanisms of 3-inch, 4-inch, 5-inch, and 6-inch guns, to be available until expended, $75,000.

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For replacing Mark VI 6-inch guns with Mark VIII guns and repairing and modernizing the Mark VI guns for issue, to be available until expended, $150,000.

The amendment was agreed to.

The next amendment was, on page 19, line 12, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For liners for eroded guns, to be available until expended, $100,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

Torpedoes and appliances: For the purchase and manufacture of torpedoes and appliances, to be available until expended, $1,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 22, line 2, after "$425,000," to insert:

Provided further, That the Secretary of the Navy is hereby authorized in his discretion to exceed the amount appropriated under "maintenance, yards and docks," in an amount equal to the total of such expenditures in navy yards heretofore charged to other appropriations as properly constitute a part of yard maintenance: *Provided*, That no expenditures shall be thus transferred from any other appropriations to the appropriation "maintenance, yards and docks," except as may be necessary to compute more accurately the cost of work at navy yards, including all direct and indirect charges incident thereto: *Provided further*, That the Secretary of the Navy is hereby directed to report the sum or sums transferred and the necessity therefor: *And provided further*, That nothing herein contained shall operate to increase the total amount appropriated for the naval service.

Mr. MARTIN of Virginia. I make the point of order against that amendment that it is general legislation on an appropriation bill.

Mr. THORNTON. Mr. President, I wish to say to the Senator from Virginia that, though he is the proper judge of his own action in the matter, the department consider that this amendment is necessary. They gave two reasons for it. One was economy in the administration of the yards, and the other was to be able to show by the system of bookkeeping exactly the cost of the maintenance of those yards.

The PRESIDING OFFICER. Will the Senator from Virginia state his ground for making the point of order against the amendment?

Mr. MARTIN of Virginia. It is general legislation, Mr. President; it lays down rules and regulations, and authorizes money to be used for one purpose which is appropriated for another purpose. It seems to me that it is plainly a matter of legislation, and not a matter of appropriation, that is referred to in the amendment.

It is true the amendment is so vague and indefinite as to be difficult of comprehension; I am not clear as to what is aimed at in the amendment; but it seems to contain nothing but a legislative provision. I hardly supposed that the committee would insist that it was in order; indeed, I understand from a member of the committee that he has no question whatever that it is general legislation.

The PRESIDING OFFICER. The Chair is in some doubt. It seems to be rather a vague provision, but it apparently gives a latitude or discretionary authority to the Secretary of the Navy to transfer an amount of money appropriated to one fund to another fund. Is that a correct statement of the amendment?

Mr. MARTIN of Virginia. It gives the Secretary of the Navy the right to use an indefinite sum of money; it makes various appropriations, and then authorizes the Secretary of the Navy to use the money so appropriated for other purposes, which could not be done except by legislative enactment. The Secretary of the Navy could not possibly have the right to take money appropriated for specific purposes and use that money for other purposes without such authority. It is a legislative provision of a general nature; it is not giving a specific direction to an appropriation. If it were simply that, the amendment would be in order, but it is a general authority, a legislative provision governing the disposition of moneys appropriated by this bill. It is not a limitation or direction as to a particular appropriation for a particular purpose, limiting it or making it conditional on any specific fact or in the discretion of the Secretary; but it is a general legislative provision relating to appropriations contained in the bill. It seems to me it is something that the Secretary could not possibly do except when authorized by legislation. I repeat, this is a legislative provision authorizing him to do those things. It seems to me to be plainly in violation of the rule.

Mr. THORNTON. Mr. President, I do not, of course, propose to debate the question, knowing that I can not do so under the rules, but inasmuch as the Chair has expressed some doubt as to the meaning of the amendment, I should like to read a letter from the Navy Department, addressed to myself, expressing the ideas of the department as to what was meant by the provision, if that would throw any light on the situation.

The PRESIDING OFFICER. The Chair will be glad to have the Senator read the letter.

Mr. THORNTON. The letter is as follows:

THE SECRETARY OF THE NAVY,
Washington, May 18, 1914.

The Hon. J. R. THORNTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I take pleasure in complying with your request for further information as to the reason for and effect of the amendment incorporated by the Senate Committee on Naval Affairs into the pending appropriation bill—on lines 2 to 17 of printed page 22—with respect to computing the cost of navy-yard work.

The said amendment carries no additional appropriation.

It is aimed to facilitate the revision of existing regulations in such manner as to separate cost of upkeep from cost of output.

Since the act of June 24, 1910, provides that the cost of navy-yard work shall include all charges incident thereto, the whole question of Navy cost keeping depends upon the proper interpretation of the word "incident." If too broad an interpretation be used and upkeep expenses at navy yards be consequently spread over the cost of output without proper discrimination, then costs of navy-yard construction will appear to be greater than they are in fact. Such seems to have occurred under present conditions, which conditions the amendment will aid in improving.

The necessity for maintaining navy yards is not open to question. They must be kept in working order as a part of the national defense; and as the expense of maintenance will go on whether any ships are built there or not, the legitimate charge to construction includes only the additional expense over and above what would have been incurred if such construction had been done elsewhere. Hence, when Congress asks for a statement of building costs, it is misleading to be obliged to answer with a total which includes pure upkeep.

The passage of the amendment referred to will materially assist this department in correctly separating the said charges and more nearly effectuating the intent of the law.

Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDING OFFICER. The Chair is disposed to rule that the amendment is general legislation, and will sustain the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, at the top of page 23, to strike out:

That to carry out the purpose of so much of the act of March 4, 1913, as authorizes the President to have constructed one supply ship, to cost, exclusive of armor and armament, not to exceed $1,425,000, there is hereby appropriated for the improvement of building slips and equipment $148,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to strike out:

The unexpended balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, is hereby covered back into the Treasury.

And in lieu thereof to insert:

That the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000, is hereby made available for building slip and equipment.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the words "Pier D," to strike out "$12,000" and insert "$25,000"; in line 19, after the word "exceed," to strike out "$130,000" and insert "$150,000"; in line 21, after "$15,000," to insert "extend second-floor mold loft, $8,500"; and in line 23, after the name "New York," where it occurs the second time, to strike out "$122,000" and insert "$143,500," so as to make the clause read:

Navy yard, New York, N. Y.: Paving and grading, to continue, $15,000; yard railroad, extension and equipment, $15,000; to complete Pier D, $25,000; toward construction of Pier C (cost not to exceed $150,000), $65,000; distributing system, extensions, to continue, including separator receivers, $15,000; extend second-floor mold loft, $8,500; in all, navy yard, New York, N. Y., $143,500.

The amendment was agreed to.

The next amendment was, on page 24, line 1, after "$15,000," to insert "building slips and equipment, $200,000," and in line 2, after the name "Philadelphia," to strike out "$65,000" and to insert "$265,000," so as to make the clause read:

Navy yard, Philadelphia, Pa.: Quay walls and piers, $50,000; power-plant improvement (to install rotary converters), $15,000; building slips and equipment, $200,000; in all, navy yard, Philadelphia, $265,000.

Mr. THORNTON. On page 24, line 1, after the word "building," the word should be "slip" instead of "slips," so as to read "building slip." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 24, after line 3, to insert:

Navy yard, Washington, D. C.: Fireproof general storehouse (cost not to exceed $225,000), $100,000.

The amendment was agreed to.

The next amendment was, on page 24, line 7, after the name "Virginia," to strike out "Repairs" and insert "New dry dock (to cost $3,000,000), $200,000; repairs," and in line 12, after "$450,000," to insert "in all, navy yard, Norfolk, Va., $225,000," so as to make the clause read:

Navy yard, Norfolk, Va.: New dry dock (to cost $3,000,000), $200,000; repairs, buildings, St. Helena, $25,000; the 150-ton crane authorized by the act of March 4, 1913, shall be of the floating revolving type, and the limit of cost is hereby increased to $450,000; in all, navy yard, Norfolk, Va., $225,000.

Mr. THORNTON. On page 24, line 8, after the word "cost," I know that the bill which was reported to the Senate contained the words "not to exceed," but those words are not in the printed bill on Senators' desks. I suggest that amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment suggested by the Senator from Louisiana will be stated.

The SECRETARY. On page 24, line 8, after the word "cost," it is proposed to insert "not to exceed," so as to read: "to cost not to exceed $3,000,000."

Mr. KENYON. Mr. President, I should like to ask the Senator having charge of this bill just what this item means as to this new dry dock. Does the making of the appropriation of $200,000, "to cost $3,000,000," mean that the provision is giving the status that $3,000,000 is to be expended?

Mr. THORNTON. Yes, sir; not to exceed that much. In other words, it is estimated that the entire work will cost $3,000,000, of which $200,000 is now given for immediate purposes.

Mr. KENYON. Is there anything in any report of a committee or in hearings showing the necessity of this expenditure of $3,000,000?

Mr. THORNTON. Yes, sir. I will read a statement to the Senator. What I shall read is a letter from the Navy Department. It is as follows:

NAVY DEPARTMENT,
Washington, May 9, 1914.

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

MY DEAR SENATOR: I deem it of the utmost importance that there be restored to the naval bill the authorization and initial appropriation requested by the department in its original estimates for a new dry dock at the Norfolk Navy Yard.

The necessity for this additional dock has been strongly represented to me by the General Board of the Navy and the experts and authorities of the Navy Department.

We have three docks at Norfolk at this time, but owing to the greater size and draft of our newer vessels they are only available for ships of less recent design. As a matter of fact, there are no docks under construction or contract on the Atlantic coast which can take a battleship of 30,000 tons, and only one dock—No. 4 at New York—when completed which can dock the *Wyoming* class. This is obviously a very serious state of affairs and one which should be remedied without delay.

The department and the General Board have long recognized the need for increased docking facilities, inadequacy of which in time of war might lead to serious consequences, for if several of our battleships of the first line were seriously damaged with only one dock available to receive them it would result in embarrassing delays, and moreover if the injuries were sustained while in action on the South Atlantic coast the absence of a suitable dry dock nearer than New York might result in the total loss of a ship through its unseaworthiness for a long voyage. Such a circumstance would also deprive the fleet of one or more vessels, which would have to be withdrawn to convoy the injured vessel or vessels up the coast.

Norfolk is the most logical point for another big dock. It has coaling and repair facilities right at hand, of quick and easy access by the same entrance channel, and it is at Hampton Roads more frequently than elsewhere where we have the fleet rendezvous.

I respectfully urge that the following be inserted on page 22 of the naval bill as reported to the House, following "$25,000," in line 21, viz, "new dry dock, to cost $3,000,000, $200,000."

Very sincerely,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Mr. KENYON. I should like to ask the Senator from Louisiana if there was an estimate before the committee of the cost of this dry dock? Was the letter the Senator has just read the only estimate before the committee? How did $3,000,000 happen to be agreed upon?

Mr. THORNTON. It was estimated that the work would cost $3,000,000.

Mr. KENYON. That was an estimate by whom?

Mr. THORNTON. By the department.

Mr. KENYON. By the Navy Department?

Mr. THORNTON. Yes, sir.

Mr. KENYON. Were there any hearings before the committee as to Norfolk being the best place for a dry dock?

Mr. THORNTON. I shall have to ask the Senator from Virginia [Mr. SWANSON] to answer that, he perhaps being more familiar with it than I.

Mr. KENYON. It is an innocent looking item, but it involves the expenditure of $3,000,000.

Mr. SWANSON. Mr. President, I will suggest to the Senator from Iowa that we are building a dry dock of this character at Pearl Harbor, in the Hawaiian Islands, for the Pacific coast. The department has for years and years, through the General Board, consisting of Admirals Dewey, Wainwright, and others, recommended continuously the construction of such a dock at Norfolk. Nearly one-half of all the ships that are docked on the Atlantic coast are docked at Norfolk; to be accurate, about 50 per cent. The statistics will show that; and it is impossible on the Atlantic coast, with the present inadequate docking facilities, for docking to be made with sufficient rapidity. If an injury happens to a battleship, there is only one dock where it can be docked at present, and that is in New York. When the *Arkansas* was injured it took nearly three months before she could be released from the dock, and consequently if anything should happen to a number of ships, or if any emergency should arise, unless there was another dock to repair ships we would be almost helpless.

The department has made an estimate as to what the new dry dock will cost, the ultimate cost to be some $3,000,000, the items being given in the hearings. This matter has been before Congress and has been urged from year to year, and the Navy Department says that there is no matter more important to the Navy than the construction of this dry dock.

Mr. KENYON. I should like to ask the Senator how long it will require to construct this dry dock?

Mr. SWANSON. It will take two years or more, possibly.

Mr. KENYON. Then, the balance of this money will be carried in the appropriation bill of next year?

Mr. SWANSON. It will be carried in the succeeding appropriation bills as needed, when the $200,000 now proposed to be appropriated has been expended. Next year they will make an estimate, and appropriations will be made as needed.

Mr. KENYON. This $200,000 will not carry the project forward for a year, will it?

Mr. SWANSON. It will carry it forward until Congress meets in December, when additional appropriations can be made as they are needed. That is the usual way such appropriations are made.

Mr. JONES. Mr President, I should like to ask the Senator a question. As I understand, the department can proceed to let contracts for the construction of this dry dock under this provision?

Mr. SWANSON. The department can let contracts for the construction of the dry dock under this provision not to exceed the sum of $3,000,000.

Mr. JONES. How many dry docks are there on the Atlantic coast?

Mr. SWANSON. There are three dry docks at Norfolk——

Mr. JONES. There are three at Norfolk now?

Mr. SWANSON. There are three now at Norfolk, but only one that is sufficient to accommodate our present modern battleships. There is one at Brooklyn, and I think there are dry docks of different sizes at all of the naval stations.

Mr. JONES. What I should like to know is how many dry docks there are on the Atlantic coast in which can be docked a modern battleship?

Mr. SWANSON. Only one for the very largest, latest ships, and that is at Brooklyn.

Mr. JONES. Just one?

Mr. SWANSON. And I think that is not completed.

Mr. LODGE. The one at Brooklyn is in process of construction.

Mr. JONES. Is there not any dry dock on the Atlantic coast in which modern battleships may be docked?

Mr. LODGE. Not battleships of the largest size.

Mr. JONES. I mean a dock that would accommodate one of the ships which has been provided for in the last few years.

Mr. LODGE. Not the largest sized battleships.

Mr. JONES. Where are they docked when they need to be docked?

Mr. LODGE. The very large battleships have only been built in the last few years.

Mr. JONES. Have we not had any of the large battleships completed in the last five years?

Mr. SWANSON. Battleship 39, now building, will have a displacement of 31,000 tons, and consequently will require a larger dock than a battleship of 20,000 tons; and the object of this amendment is to provide for a dock that will take care of such ships.

Mr. JONES. We have, then, as I understand, no dock on the Atlantic coast in which battleships that we have authorized during the last six or seven years can be docked?

Mr. SWANSON. There has been a great increase in the size of battleships in the last few years.

Mr. JONES. How many docks have we on the Atlantic that will dock the largest vessels authorized within the last six years?

Mr. LODGE. There is one at Portsmouth, one at Boston, one at New York, they are building a larger one at Brooklyn, and there is one at Charleston and one at Norfolk.

Mr. JONES. That makes five, and one under way.

Mr. SWANSON. If the Senator will allow me, at page 844 of the Navy Yearbook, he will find a description of each dock in the United States, including their size and other data. If there is no objection, I will insert the table from the Yearbook bearing on the subject as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The table referred to is as follows:

United States naval docks.

[Revised by Bureau of Yards and Docks, October, 1913.]

Yard or station.	Dock No.	Kind.	Material of which dock is constructed.	Class of maximum ship capable of being docked.	General dimensions. Body of dock. Length coping head to side of caison.	Length on floor head to outer sill.	Width at coping.	Width top of keel blocks.	Depth mean high water to keel blocks.	Entrance. Width at coping.	Governing width 6 feet above sill.	Depth mean high water to sill.
					Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
Portsmouth	2	Dry dock	Granite and concrete.	Utah	740 10½	718 10½	130 0⅜	[1] 96 8⅜ [2] 72 8⅜	30 2⅜	101 9	91 2	30 2⅜
Boston	1	do	Granite	Raleigh	373 11¾	357 1	86 1½	[1] 56 2⅜ [2] 48 2⅜	22 0⅜ 19 6¼	60 3	46 10¾	25 1½
Do	2	do	Granite and concrete.	Utah	738 1	729 0	114 0	[1] 86 0 [2] 82 0	30 0	101 8⅜	91 4½	30 0
New York	1	do	Granite	Monterey	349 1½	326 3¾	98 1 3/16	[1] 56 1 3/16 [2] 48 1 3/16	22 1⅞ 20 11¼	67 1 3/16	47 6	25 4¾
Do	2	do	Concrete	Missouri	462 0⅜	451 3½	112 10⅜	74 6	25 3	90 6⅞	75 6	26 6½
Do	3	do	Wood	Mississippi	656 4½	624 9 3/16	150 10 1/16	72 2	27 5½	105 4 3/16	77 0 1/16	29 8¾
Do	4	do	Granite and concrete.	Largest contemplated.	694 6	694 9	139 6	112 0	32 11½	120 3½	112 0	35 5½
Philadelphia	1	do	Wood	Minneapolis	491 7½	459 10½	131 8½	58 7⅞	22 11½	86 0	57 9⅝	25 1½
Do	2	do	Granite and concrete.	North Dakota	744 6⅞	731 10½	140 2¾	97 0⅜	27 10¾	102 7¼	91 10	29 10¾
Norfolk	1	do	Granite	Cheyenne	324 0½	303 0	86 3½			60 0½		25 1⅜
Do	2	do	Wood	Minneapolis	490 4½	459 8	130 4	57 0	24 10½	85 0	58 8	25 6¾
Do	3	do	Granite and concrete.	Largest contemplated.	722 11	732 0	136 0	98 1¾	31 0¾	112 4 3/16	101 0	34 0¾
Charleston	1	do	do	Utah	566 0	548 0	134 0	96 2	31 1⅛	113 0⅞	101 11⅞	34 1⅛
Mare Island	1	do	Granite	Charleston	507 11⅜	459 1⅜	122 0	45 0	[1] 27 0⅜ [2] 25 9½	80 6⅞	61 0	26 3
Do	2	do	Granite and concrete.	North Dakota	740 4⅝	729 10⅜	120 0	88 0	28 9⅜	101 11⅛	92 3½	30 3⅜
Puget Sound	1	do	Wood body, masonry entrance.	Mississippi	636 11⅜	618 7¾	130 1½	76 3½	28 0½	92 8½	74 0	29 10½
Do	2	do	Granite and concrete.	Largest contemplated.	827 6	801 8	145 0	113 0	35 6	123 9½	114 4	38 0
Pearl Harbor	1	do	do	do	999 6	1,008 0	138 0	114 0	32 2⅜	123 0	114 4	34 8⅜
Pollok, P. I.[3]	1	do	Stone	Tug	110 0					30 0		7 3⅜
Pensacola	1	Floating dry dock.	Steel	Chicago	450 0½		85 8⅜	78 0	20 0			
New Orleans	1	do	do	Vermont	525 0		100 0		28 0			
Olongapo	1	do	do	Connecticut	500 0⅜		99 10½		30 0			
Port Royal[3]	1	Dry dock	Wood	Olympia	485 0		126 0	59 0	26 0	97 0	70 0	26 0

Yard or station.	Dock No.	History of construction. Date of commencement.	Date completed.	Cost to date of completion.	Channel from dockyard to sea. Mean rise and fall of tide.[4]	Controlling depth yard to sea mean low water.[4]	Controlling width yard to sea.	Maximum draft ship for channel at mean low water.[5]	Maximum draft ship for channel at mean high water.[5]
					Feet.	Feet.	Feet.		
Portsmouth	2	1899	1906	$1,122,805.59	7.8	40.0	500	Largest contemplated	Largest contemplated.
Boston	1	1827	1833	972,717.29	9.6	35.0	540	do	Do.
Do	2	1899	1905	1,100,000.00	9.6	35.0	540	do	Do.
New York	1	1841	1851	2,003,498.05	4.2	31.0	450	do	Do.
Do	2	1887	1901	1,191,821.76	4.2	31.0	450	do	Do.
Do	3	1893	1897	554,707.08	4.2	31.0	450	do	Do.
Do	4	1905	1913	2,500,000.00	4.2	31.0	450	do	Do.
Philadelphia	1	1889	1891	548,700.00	5.9	25.5	600	West Virginia	Do.
Do	2	1899	1908	1,471,550.67	5.9	25.5	600	do	Do.
Norfolk	1	1827	1834	943,676.00	2.8	27.0	450	Idaho	Do.
Do	2	1887	1889	504,980.76	2.8	27.0	450	do	Do.
Do	3	1903	1911	[6] 1,728,965.93	2.8	27.0	450	do	Do.
Charleston	1	1902	1908	1,250,000.00	5.2	22.0	300	Baltimore	Mississippi.
Mare Island	1	1872	1891	2,772,332.08	4.8	20.0	300	Newark	Georgia.
Do	2	1899	1910	1,679,655.80	4.8	20.0	300	do	Do.
Puget Sound	1	1892	1896	632,636.33	7.8	42.0	984	Largest contemplated	Largest contemplated.
Do	2	1908	1913	2,300,000.00	7.8	42.0	984	do	Do.
Pearl Harbor	1	1909	(7)		1.2	35.0	600	do	Do.
Polloc, P. I.[7]	1				4.8	100.0	18,000	do	Do.
Pensacola	1		1897	195,000.00	1.1	30.0	300	do	Do.
New Orleans	1	1899	1902	809,712.52		28.0	200	Delaware	Delaware.
Olongapo	1	1903	1905	1,170,792.68	4.0	70.0	2,500	Largest contemplated	Largest contemplated.
Port Royal[7]	1		1895	521,599.89	7.0	21.0	200		

[1] Maximum.
[2] Minimum.
[3] Out of commission or abandoned.
[4] Data for these columns based upon hydrographic letter 45005–16248 of Nov. 28, 1910, with recent corrections. (Furnished by Bureau of Yards and Docks.)
[5] 12-inch clearance under keel.
[6] Contract price dock complete.
[7] Under construction.

Mr. JONES. That would not give me the information I want, because I would not know from it the size dock necessary to accommodate our battleships; and I want some member of the committee to give me that information.

Mr. SWANSON. The Panama Canal, when completed, will accommodate a vessel 1,000 feet long and 110 feet broad; and they are now constructing a dry dock in Brooklyn of those dimensions. The one at Norfolk is to be of a similar size, as it is estimated that that will be the ultimate size of battleships in the future.

Mr. JONES. How many dry docks have we on the Atlantic coast under way, if any, in which could be docked the battleship provided in the last naval appropriation bill?

Mr. SWANSON. None.

Mr. THORNTON. It was stated in the letter from which I have already quoted that—

there are no docks under construction or contract on the Atlantic coast which can take a battleship of 30,000 tons.

Mr. LODGE. There is no dry dock sufficient to accommodate that battleship at the present time.

Mr. SWANSON. The construction of the dry dock at Norfolk has been urged from year to year.

Mr. KENYON. If we build larger battleships next year or the following year, the proposed dry dock at Norfolk will not be sufficient to accommodate them.

Mr. SWANSON. The Senator is mistaken. The capacity of the locks of the Panama Canal is presumed to measure the limit of size of the battleships which we will build. The dock in the Hawaiian Islands and the one proposed at Norfolk are designed to accommodate the largest vessels that can go through the Panama Canal.

Mr. KENYON. We shall build as large battleships as any other nation in the world, that is certain; and we had better have a dry dock that will be sufficient to last a few years if the size of the battleships shall be increased.

Mr. SWANSON. We are now building as large battleships as any other nation, and the proposed dock at Norfolk is intended to be able to dock a ship a thousand feet long and 110 feet broad. That is what the Navy Department desires.

Mr. KENYON. These dry docks are used sometimes, are they?

Mr. SWANSON. They are used continuously. If the Senator will look into the matter, he will find that Dock No. 1, at Norfolk, was used 234 days during the past year, Dock No. 2 was used 266 days, and Dock No. 3 was used 278 days. This indicates great use of these docks and evinces the vast importance of the Norfolk Navy Yard.

Mr. WEEKS. Mr. President, the Senator from Virginia made an interesting statement a few moments ago, to the effect that one-half of the repairs to the battleship fleet were made at Norfolk. Who determines that policy?

Mr. SWANSON. I referred to the number of days in which ships were docked, or, rather, to the number of vessels—of days in a year docked at Norfolk. During the past year 331 vessels were docked on the Atlantic, of which 144 were docked at Norfolk—about 40 per cent.

Mr. WEEKS. Why should that be so? Why should one-half of the repairs for the battleships be done at Norfolk when we have four or five other yards where there are dry docks?

Mr. SWANSON. That is due to the fact that the battleship fleet are at Hampton Roads more than anywhere else. That is where they rendezvous—where they have their practice. I did not mean to say that one-half of the repairs were made at Norfolk, but nearly one-half of the ships that are docked are sent to be docked at the dry dock there.

Mr. WEEKS. That amounts to the same thing.

Mr. SWANSON. The Senator misunderstood me, if he understood me to say that one-half of the repairs are made at Norfolk. I do not suppose they do one-fourth of the repairing; but, on account of the nearness of the ships to the yard at Norfolk and on account of the rapidity with which it is desirable that the ships be placed in the dock, the records show that the figures I have given in regard to Norfolk are approximately accurate. It is because of this that the necessity arises for selecting Norfolk for this new dry dock.

Mr. THORNTON. Mr. President, in that connection perhaps it might facilitate matters and might give some additional information to the Senator from Massachusetts if I should read again that one paragraph of the letter of Mr. Franklin D. Roosevelt, Acting Secretary of the Navy, to the committee, showing why Norfolk is the proper place for this dry dock, about which there seems to be some difference of opinion. Mr. Roosevelt says:

Norfolk is the most logical point for another big dock. It has coaling and repair facilities right at hand, of quick and easy access by the same entrance channel, and it is at Hampton Roads more frequently than elsewhere where we have the fleet rendezvous.

Those are some of the general reasons which he gives.

Mr. WEEKS. I should like to ask the Senator from Louisiana if that is Mr. Roosevelt's opinion or the opinion of the General Board?

Mr. SWANSON. If the Senator from Louisiana will allow me, the General Board has recommended the construction of the new dry dock at Norfolk.

Mr. WEEKS. Has the General Board, in recommending a new dry dock, recommended that it be located at Norfolk?

Mr. SWANSON. I understand that it has.

Mr. WEEKS. Has it made that specific recommendation?

Mr. THORNTON. I will say that Mr. Roosevelt, Acting Secretary of the Navy, adds in his letter:

The necessity for this additional dock has been strongly represented to me by the General Board of the Navy and the experts and authorities of the Navy Department.

Mr. WEEKS. Of course, it goes without saying that so long as we continue to build battleships of large type every two or three years we will have to provide dry docks for them, but I could not quite understand from the statement which I understood the Senator from Virginia to make why one-half of the repairs or one-half of the docking was done at Norfolk, and it is almost certain that if this dock is built there an additional proportion of repairs and of docking will be done there in the future.

Mr. SWANSON. According to my understanding, of the number of days in which the dry docks of the Navy are used, those at Norfolk show about twice the use of any others. There are dry docks at other stations, but the fact that the dry docks at Norfolk are used so much more than the dry docks at other places was one of the reasons why the General Board recommended the construction of the new dry dock at Norfolk. Admiral Watts—and the unanimous sentiment of nearly all those connected with the Navy is that Norfolk is the proper place to locate the new dry dock.

Mr. WEEKS. Admiral Watts is not on the General Board, Mr. President. Admiral Watts is Chief of Construction.

Mr. SWANSON. Here is the report of the General Board on page 808 of the hearings:

The General Board is of opinion that this yard—

Referring to Norfolk—

should be steadily developed and efforts made to deepen the channels leading to it in the course of the next few years, and that it should be made one of our chief naval bases.

Mr. JONES. Mr. President, a moment ago, in answer to a question of the Senator from Iowa [Mr. KENYON], the Senator from Virginia said that he thought it would take a year or two years to complete this dry dock. Does the Senator know when the battleship provided in the last naval appropriation bill will be completed?

Mr. SWANSON. I think one or two of our largest battleships have already been launched; and there is at present no place to dock it.

Mr. JONES. So that it can not be placed in dry dock until we construct this new dock?

Mr. SWANSON. No; except at the Brooklyn Navy Yard, where it might be docked.

Mr. JONES. I want to state to the Senator how long it has taken us heretofore to build these docks. The last dock at Norfolk was in course of construction from 1903 to 1911, or eight years.

Mr. SWANSON. It would depend upon how fast the money is appropriated.

Mr. JONES. That certainly was not the cause of the delay in the construction of the last dock in Norfolk. The appropriation for that dock was $1,728,000.

I am making these suggestions merely to show the urgency of the dry dock in which the Senator is interested. If the battleships which are now building and which it is proposed to authorize in this bill can not now be accommodated in any of the existing dry docks, we ought to hurry this new dock along as fast as possible.

Take the navy yard at Puget Sound. We have just completed a dry dock there that will take the largest battleship, and yet that dock was from 1908 to 1913 in process of construction, or five years, so that if there is any doubt about the money provided in this bill for the Norfolk dry dock being sufficient to carry on this work, we ought to resolve that doubt by seeing that an abundance of money is provided, because the first thing we know we will have two battleships and no place where they can be docked.

Mr. SWANSON. It was estimated that all they can spend now is $200,000 to begin the work.

Mr. JONES. I am merely calling the Senator's attention to the delay which we have experienced in building dry docks, ranging from five to eight years.

Mr. SWANSON. If an appropriation is made without delay, I am satisfied they can construct it in two years, or three certainly.

Mr. JONES. I am satisfied that the delay of eight years in the construction of the present dock at Norfolk was not because Congress did not provide the money. It must have been because the department failed to prepare the plans or let the contract, or something of that kind. That instance shows the time likely to be consumed in the construction of such dry docks.

Mr. THORNTON. It is very plain from the letter of the department that they appreciate the importance of the matter alluded to by the Senator from Washington [Mr. JONES], and they certainly will lose no time in getting the dry dock in a situation to handle the business that now can not be handled and to provide facilities which may be so much needed at any time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 25, line 21, after "$207,000," to insert "to be immediately available, dredging and diking, to continue, $20,000," and in line 23, after the words "in all," to strike out "$237,000" and insert "$257,000," so as to make the clause read:

Navy yard, Mare Island, Cal.: To complete quay wall, $20,000; modernizing electric-power and light-distributing systems, $10,000; improvement of hydraulics, Mare Island Straits, in accordance with report submitted in House Document No. 1103, Sixtieth Congress, second session, and such modifications as may be made therein in pursuance of the authority contained in the act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1913, and for other purposes, approved October 22, 1913 (limit of cost $507,000), to complete, $207,000, to be immediately available; dredging and diking, to continue, $20,000; in all, $257,000.

The amendment was agreed to.

Mr. JONES. Mr. President, as I understand, we are considering the bill simply for committee amendments now?

The PRESIDING OFFICER. Those are the only ones now being considered.

Mr. JONES. I send to the desk an amendment which I desire to have read and considered as pending.

The PRESIDING OFFICER. It will be read for information.

The SECRETARY. After "$155,000," on page 25, line 26, it is proposed to insert:

Building slip and equipment, $200,000.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 26, after line 2, to insert:

Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to insert:

The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500.

Mr. VARDAMAN. Mr. President, I should like to ask the acting chairman of the committee or the Senator in charge of the bill to explain this item. I understand that no estimate has been made for this amount.

Mr. THORNTON. Yes; it has.

Mr. VARDAMAN. What is the estimate?

Mr. THORNTON. Just what is provided for here. I will read it to the Senator. I will say to the Senator that I also have here a letter, which I will read.

Mr. KENYON. I should like to inquire whether the Senator is asking as to Key West or as to Hawaii?

Mr. VARDAMAN. Pearl Harbor, Hawaii, on page 26, line 13.

Mr. KENYON. Is there any estimate as to Key West? I observe that the amendment relating to Key West has gone by without any explanation. I was anxious to have some explanation as to that. It seems to be quite a substantial sum, $600,000, though, of course, it is not much in comparison with Hawaii.

Mr. THORNTON. The explanation of it is that it was offered in the committee as an amendment to the House bill and accepted for the reason that it had been previously recommended—in last year's estimate—by the Navy Department.

Mr. KENYON. Was there not an appropriation last year for this purpose?

Mr. THORNTON. I understand there was not.

Mr. KENYON. This is a new project, then?

Mr. THORNTON. Yes, sir.

The PRESIDING OFFICER. The Chair understands the Pearl Harbor increase is estimated for.

Mr. THORNTON. We were on the Pearl Harbor item, but the Senator from Iowa has gone back now to Key West, Fla.

Mr. KENYON. I beg pardon. I thought the Senator from Mississippi [Mr. VARDAMAN] was referring to Key West.

Mr. VARDAMAN. No; I was not.

Mr. THORNTON. The Senator from Mississippi simply asked for an explanation about that; and I should like to read now the letter of the department which contains the information asked for by the Senator from Mississippi:

NAVY DEPARTMENT,
Washington, May 9, 1914.

MY DEAR SENATOR: I respectfully recommend the restoration to the naval bill of the provision appearing on page 24, lines 4 and 5, of the naval bill as reported to the House, increasing the limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, to $4,986,500.

The act approved May 13, 1908, authorized the construction of "one graving dock, capable of receiving the largest war vessels of the Navy, at a cost not to exceed $2,000,000," and appropriated therefor the sum of $300,000. Plans were prepared and proposals were received on February 13, 1909, after public advertisement, for the construction of a dry dock 1,195 feet long, separated into two parts by an intermediate caisson. Bids received, being in excess of the amount authorized for the work, were necessarily rejected. Bids were again invited on May 22, 1909, and on July 22, 1909, formal contract was entered into with the San Francisco Bridge Co. for the construction of a dock having length of 589 feet between the inside of coping at head of the dock and outer sill. Contract was modified June 27, 1910, after obtaining increase in authorized limit of cost, to provide a dock having the following dimensions:

	Ft.	In.
Length inside of coping at head to outer sill	800	
Length over all	831	
Width over all	148	
Width at entrance, top of keel blocks	110	1½
Width of entrance at coping level	123	

By agreement, dated January 2, 1913, after obtaining a still further increase in authorized cost, the length was increased to 1,003 feet between inside of coping at head and outer sill, the other dimensions remaining unchanged.

Borings and examinations which were made before the award of the original contract indicated that the structure could be built in open excavation, and the work was started upon this assumption. During the month of May, 1911, after practically completing the excavation, the contractor began pumping a portion of the work which had been surrounded by a cofferdam; when a depth of about 20 feet had been obtained it was observed that there was a disturbance in the bottom strata, whereupon pumping was discontinued; after making certain examinations, including the driving of test piles, it was arranged by supplemental agreement, executed August 5, 1911, that the dock should be supported upon piling and that a certain amount of concrete in the bottom of the dock should be placed by the underwater method. Work was continued, and in January, 1912, the contractor again began pumping out a section of the work; after unwatering and exposing the concrete in the bottom it was found that on account of unusual physical conditions, in combination with difficulties involved in the placing of concrete under water, the concrete was not of satisfactory quality. Further elaborate investigations and experiments were then made, and in August, 1912, work was proceeded with, using a much richer mixture for the underwater concrete. On February 6, 1913, the contractor began unwatering the second section, and on February 17, following, while still unwatering, an upheaval of the bottom took place, which wrecked the cofferdam and the construction of this section.

After this failure, on receiving advice as to the seriousness of it, the department directed the Chief of the Bureau of Yards and Docks and Civil Engineer F. R. Harris to go out there and examine the work and advise as to the steps necessary to carry it out to a successful completion, and at a later date arranged with Mr. Alfred Noble, an eminent consulting civil engineer of New York to visit Pearl Harbor and report on conditions and suggest remedies. The gist of all of these reports were that the department's plans for this dry dock could probably be carried out, but would involve great delay and serious hazard and gave no great assurance of the successful completion of the work or of its entire satisfaction after completion.

Following this the department learned from the Attorney General that the contractors were required to bring the dry dock contracted for to completion if it were physically possible to do so, but that they were not required to guarantee that the dock would endure and discharge its duty successfully after completion. In view of this opinion and of the failure to induce the contractors to open up any negotiations looking to a change of plan or method of construction, the department, in January, 1914, directed them to proceed with the work under the old plan and specifications. Later, however, in February, 1914, the contractors communicated their willingness to the department to take up the question of changes in their contract to secure a dock that would be perfectly satisfactory and durable. Pursuantly a conference was held at the department between Mr. Noble, the Chief of the Bureau of Yards and Docks, and Civil Engineer Harris, which was attended by the chairman of the House Committee on Naval Affairs, when all expressed the opinion that the construction of the dock under the old plans and specifications was not alone fraught with the greatest hazard and probable delay in eventual completion, if completed at all, but was inadvisable as an engineering work and was not based on satisfactory assurance and factors of safety, which are usually required in good engineering practice. In short, that it was impracticable.

These three engineers agreed that a different design, depending upon the use of floating caissons or boats, gave every assurance of the successful and early completion of this work, but that it would involve an increase in the authorization for this work of approximately, but not over, $1,500,000.

The contract obligation for the dry dock now stands at $3,168,461.61, of which the sum of $1,036,330.01 has been paid the contractor on monthly vouchers on account of work done.

There are sufficient funds remaining under the appropriation to defray the cost of proceeding with this dry dock on the new plans indicated during the next fiscal year, but to enable the department to enter

into an agreement with the contractors to proceed on the new plans it will be necessary to increase the limit of authorized cost for this structure.

Very sincerely,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate, Washington.

Mr. VARDAMAN. Is that the only estimate that has been made?

Mr. LODGE. If the Senator from Louisiana will permit me, this amendment makes no appropriation.

Mr. THORNTON. No; there is no specific appropriation made.

Mr. LODGE. There is no appropriation made. This is simply an increase of the limit of cost. It requires no estimate.

Mr. VARDAMAN. I will ask the Senator from Massachusetts if the original contract for this work was executed by the man who had it?

Mr. LODGE. No; it was not, because the Navy Department kept increasing the size of the dock, and also because when they began to sink the foundations they found a condition which obliged them to change the whole structure of the dock from the original system to one of piling and concrete.

Mr. VARDAMAN. This increase of cost, then, is not due to any default on the part of the contractors?

Mr. LODGE. None whatever. This is the limit of cost recommended by the department as the closest estimate of cost they can make.

Mr. VARDAMAN. I notice that in 1908 the limit was $2,000,000, and it has been increased several times since that time.

Mr. LODGE. I think the limit of cost has been increased three or four times.

Mr. VARDAMAN. In 1908 it was $2,000,000; in 1910, $2,700,000; in 1912 it was further increased to $3,486,500; and now it is sought to increase it to $4,986,500. It seems that somebody is doing some very inaccurate calculating on this work.

Mr. SWANSON. If the Senator will permit me, the trouble arose in this way: The department ascertained that there were some difficulties in connection with the construction. They had agreed with this construction company to have the work done according to certain plans and specifications. When the difficulties arose in connection with the foundations and other matters the Navy Department sent its best engineering expert, Mr. Harris, there to ascertain what the trouble was with the dry dock, and what should be done. After going there he recommended these new plans as the best and most available that could be made for a dry dock there. We are compelled to have one there, as it is our Pacific outpost.

Mr. VARDAMAN. I understand the necessity for a dry dock there; but it has occurred to me that every time we send a man there he changes the plans.

Mr. SWANSON. If the Senator will permit me, then the question was submitted to the Attorney General whether the contract with the builders required that the dock should be such that it would be available for the use desired by the Navy. After discussing and looking into the contract that had been made the Attorney General said that we could compel them to complete the dry dock according to the original plans and specifications, but that there was no liability on their part to see that the dock was capable of use by the department as they desired. After that, as I understand, the contractors and the Navy Department decided that they would adopt the plans recommended by Engineer Harris, who is the finest expert that the Navy Department has.

All this amendment does is to authorize the department to change the plans, to compromise with the people who were building the dock according to the other plans, which will not be of much use to us, on account of the condition of the foundation and otherwise, and to complete it so that it will be of use when completed.

Mr. VARDAMAN. How much money has been squandered on it?

Mr. SWANSON. None has been squandered. As our battleships increase in size, it necessitates an increase in the size of the docks.

Mr. VARDAMAN. But it seems to me the Navy Department should have taken into consideration the probability of enlarging the battleships, and should not have constructed a dock that would be worthless before it was finished.

Mr. SWANSON. The Senator must recollect that, while it is very difficult to get a good dry dock there, it is of the utmost importance that we should have one.

Mr. VARDAMAN. Oh, I appreciate that very fully.

Mr. SWANSON. As you do your work, you are disappointed in the foundation, you are disappointed in the physical conditions, and consequently you have to change your plans and specifications to some extent.

Mr. VARDAMAN. But it seems that every man we have sent there has submitted a different plan. First it was $2,000,000, then $2,700,000, then three million and something, and now it is $4,900,000. It seems to me to indicate the most glaring incompetency or carelessness.

Mr. SWANSON. If the Senator will read the hearings, in which the matter was thoroughly investigated by the House Committee on Naval Affairs, and the correspondence between the different officials, he will be convinced that the Government has acted wisely and economically, and that the difficulties surrounding them have been very well met, and as economically as it could have done. They had to stop very frequently on account of difficulties that were encountered. Everybody knows that Hawaii is the most important place of all in the Pacific for a dock. It is our outpost in the Pacific.

Mr. VARDAMAN. I appreciate that; but it seems that every expert, every man we have sent there, has changed the plans and has increased the figures—first $2,000,000, and then on up to nearly $5,000,000.

Mr. LODGE. Mr. President, if the Senator will allow me, there has been no money squandered or lost there. The money that has been spent has all been well spent. The department stopped further expenditure because the conditions the contractors found in their excavations were such that they were unable to go on without wasting what had been done, and that was what led to a resurvey and a new report on the subject. The department has neither squandered nor wasted money; but the excavations made in the region turned out differently from what their test piling had shown, and they were obliged to adopt some new and more expensive plans, in addition to enlarging the size of the dock.

Mr. VARDAMAN. Has the committee been given any assurance that this $4,900,000 will be sufficient? The department may change it again before the next session.

Mr. THORNTON. The head of the department says he has every assurance from the most competent engineers that this plan will work out right. That is all we can do.

Mr. JONES. I wish to ask the Senator in charge of the bill how much money is now available to carry on the construction of this dock?

Mr. LODGE. Enough to go on with, the Secretary says.

Mr. THORNTON. The sum of $3,168,461.61 was provided for originally for the first contract. Of that, the sum of $1,036,330.01 has been paid, and the difference will be available.

Mr. JONES. That has been actually appropriated by Congress, has it?

Mr. THORNTON. That has been appropriated for doing this work. Now they wish to increase the estimate so that it will amount to $4,986,500, for the reasons stated.

Mr. LODGE. If the Senator will allow me, they do not increase the estimate; they ask for an increase in the limit of cost. The money already appropriated is enough to go on without further appropriation.

Mr. JONES. Are they sure that is enough money to carry on the work expeditiously?

Mr. LODGE. That is the statement of the department.

Mr. JONES. This dock has been under way now since 1908 or 1909, for five or six years. If the delay has been caused by what the Senator from Virginia suggested a while ago with reference to Norfolk, we ought to make an appropriation so that the work can be carried on rapidly, because, as everybody concedes, this is a very important yard and a very important and necessary dock. I note that there is no appropriation in the bill to carry on the work; and unless there is an abundance of money to carry it on expeditiously, there ought to be some appropriation in the bill. By this amendment we increase the limit of cost, but we do not appropriate any additional money to carry on the work rapidly, which ought to be done, unless we have enough money on hand.

Mr. THORNTON. There are nearly two and a half million dollars on hand now and available to go on with the work.

Mr. VARDAMAN. I should like to ask the Senator from Louisiana, in charge of the bill, how much money has been expended on this dock up to date?

Mr. THORNTON. One million thirty-six thousand three hundred and thirty dollars and one cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 26, after line 13, to insert:

Naval proving ground, Indianhead, Md.: Toward extension of powder factory, $500,000.

Mr. HUGHES. Mr. President, I should like to have that amendment go over. I propose to make a point of order against it, which I wish to argue later. I do not care to do it now unless the committee prefers that it shall be done.

Mr. THORNTON. Do I understand that the Senator wishes to make a point of order or to reserve a point of order?

Mr. HUGHES. I propose to make a point of order against the amendment; and inasmuch as the Senate is now considering committee amendments only, I thought I would like to have it go over and revert to it later.

Mr. THORNTON. So far as the committee is concerned, it is quite as willing to have the point of order made now as at any other time.

Mr. HUGHES. I prefer not to make it now. I wish to investigate the hearings a little more thoroughly. There is no particular reason why it should not go over, is there?

Mr. THORNTON. Will the Senator be ready, by the time we finish the other amendments, to take up this one and make his point of order?

Mr. HUGHES. I think so.

Mr. THORNTON. Then I will ask that the amendment be passed over temporarily.

The PRESIDING OFFICER. It will be so ordered.

Mr. JONES. Mr. President, I desire to refer to this breakwater at Key West and to ask the Senator whether it is purely a naval necessity or whether there are any commercial facilities to be served by it. I am asking simply for information.

Mr. BRYAN rose.

Mr. THORNTON. The Senator from Florida will answer that question.

Mr. BRYAN. In the hearings of last year, Mr. President, there is found a letter from Secretary Meyer, who undertook to explain the necessity for a breakwater at Key West. In his letter he said:

The basin proposed will provide a perfectly safe anchorage under all possible conditions of winds or sea for small vessels, not only of the Navy but of the Army, Lighthouse, Customs, Marine-Hospital, and Revenue Cutter Services. Without a breakwater and the inclosed basin the water front occupied by the several executive departments can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

The various executive departments of the Government located at Key West are the naval station, the customhouse, and post-office building, located within the naval station; the United States Marine Hospital, the station ship of the Revenue-Cutter Service, and the Weather Bureau.

It is the purpose of the department to build a breakwater for the protection of torpedo boats, which remain in and around Key West almost continually, and for other smaller vessels of the Navy. The man-of-war harbor already accommodates the large battleships; but sometimes they have winds of 80 miles an hour or more, and it is thought that a provision of this character is necessary to protect small craft, otherwise they would be driven ashore. The revenue cutters, it is stated there, are at the mercy of a storm or a hard wind whenever it comes, and it comes quite frequently.

Mr. JONES. Have any of these vessels been driven ashore heretofore?

Mr. BRYAN. Which vessels?

Mr. JONES. These small vessels—revenue cutters, torpedo boats, etc.?

Mr. BRYAN. I do not know, Mr. President, whether any have been driven ashore or not.

Mr. JONES. We have had them there before, have we not?

Mr. BRYAN. I do not know whether any have ever been there during storms or not.

Mr. JONES. Was any special necessity shown for this breakwater, other than what the Senator has read?

Mr. BRYAN. In addition to what Secretary Meyer said, Admiral Stanford appeared before the House committee and said:

The breakwater is absolutely necessary if permanent depth of water is to be obtained—

And for the protection of the craft I have described.

Mr. JONES. It would seem that he bases it largely on the idea of getting a greater depth of water for the larger ships.

Mr. BRYAN. The testimony given by Admiral Stanford was to the effect that, in addition to saving ships from foundering because of the winds that beat upon the island of Key West, the present harbor is so filled up by the washing of the waves that the depth of water in the docks they now have is very much lessened; and the Navy Department has come to the conclusion that there is no way to meet the situation except to provide a breakwater. The breakwater has been partially provided, I think, heretofore; and this is to complete it in order to have a harbor of refuge for these ships, and also to prevent the filling up of the channel immediately adjacent to the Government's property.

Mr. JONES. Is this harbor used to any extent by commercial vessels?

Mr. BRYAN. Oh, certainly—Key West Harbor.

Mr. JONES. Of course I do not know the location of the naval station, whether it is near the commercial docks or not, and whether the harbor that is used in connection with the naval station is really used in a commercial way or not.

Mr. BRYAN. No; the breakwater is not where the commercial vessels land. It is at a different point on the island.

Mr. JONES. So it is purely in connection with the naval station?

Mr. BRYAN. Entirely.

Mr. LODGE. Mr. President, if the Senator will allow me, commercially it would be used only as a harbor of refuge. There is no trade there. It is entirely a naval and military provision.

Mr. JONES. Would it be used by other vessels in case of storms as a harbor of refuge? Would it be available for that purpose?

Mr. LODGE. Yes; I have no doubt it would be.

Mr. JONES. Has any strong pressure been brought to bear for a harbor of refuge down there for commercial purposes?

Mr. BRYAN. No; I think not.

Mr. LODGE. It would be only incidental.

Mr. BRYAN. For the Senator's information, I will read from a report of the Navy Department, as follows:

The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

The board believes that further development of the naval station and its adjacent water front should not be undertaken unless a breakwater is constructed to provide a semi-inclosed basin, not only as a protection against heavy seas and hurricane winds but to make it possible to retain the dredge depths at piers along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, thus rapidly filling in such areas as have already been dredged. Without such a breakwater and inclosed basin the water front occupied by the Navy and by the several executive departments adjacent thereto can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

The board believes that provision for a breakwater along the lines recommended by the Bureau of Yards and Docks in its letter No. 8587 of November 27, 1912, will meet the needs of the naval service and will provide a safe anchorage under all conditions of wind or sea for small vessels not only for the Navy, but for the Army, Lighthouse, Customs, Marine-Hospital, and Revenue-Cutter Services.

Mr. JONES. Does the committee contemplate further development of this station?

Mr. BRYAN. It is estimated that $600,000 will provide the breakwater.

Mr. JONES. Yes; but I notice that they base that upon the contingency whether or not we will carry on further development of this naval station. That is, they say that if the further development of this naval station is contemplated, then the breakwater is necessary. I desire to know whether the committee contemplates any very great further development of this naval station.

Mr. BRYAN. Of course, I can not say as to that. The committee does not always remain the same and I do not know of course what the department may say hereafter.

Mr. JONES. Does not the Senator think——

Mr. BRYAN. This much is true: No department has ever yet contemplated anything else but the constant improvement and the keeping up of the naval station at Key West. I doubt if any Secretary of the Navy or any general naval board will ever decide to give up the naval station at Key West. Even Secretary Meyer, who advocated the closing of all the other southern navy yards, was very positive in his conviction that it would be necessary to maintain and improve the naval station at Key West.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary continued the reading of the bill.

The next amendment was, on page 26, line 23, after "$105,000," to insert "fuel-oil storage, San Francisco Bay, Cal., $100,000"; and, in line 25, after the words "in all," to strike

out "$400,000" and insert "$500,000, to be available until expended," so as to make the clause read:

Depots for coal and other fuel: For additional fuel-oil storage at Melville, R. I., $20,000; additional fuel-oil storage at Norfolk, Va., $150,000; fuel-oil storage at San Diego, Cal., $50,000; steel coaling tower at San Diego, Cal., $45,000; fuel-oil storage at Puget Sound, Wash., $105,000; fuel-oil storage, San Francisco Bay, Cal., $100,000; contingent, $30,000; in all, $500,000, to be available until expended.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Naval disciplinary barracks: For the extension and development of the detention system of reforming and disciplining enlisted men of the Navy and Marine Corps convicted by general courts-martial to be used as the Secretary of the Navy may direct at naval disciplinary barracks, Port Royal, S. C., and naval disciplinary barracks, navy yard, Puget Sound, Wash., $150,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, on page 27.

Mr. WEEKS. I should like the attention of the Senator in charge of the bill to the paragraph for repairs and preservation at navy yards and stations. I have been informed, and I supposed the committee would insert——

Mr. THORNTON. Will the Senator please indicate the particular item?

Mr. WEEKS. It is on line 11, page 27. I supposed the committee was going to insert the words "the Naval Observatory" after the word "yards," in line 12. I was so informed. I am told that the accounting officers will not approve bills incurred in repairing roads and for other purposes at the Naval Observatory unless those words are used.

Mr. THORNTON. The suggestion made by the Senator has been looked after by the committee and will come later in the bill.

Mr. WEEKS. The words will be inserted, then, later in the bill?

Mr. THORNTON. That will be done.

The next amendment was, on page 27, line 16, after the words "Marine Corps," to strike out "$2,897,000" and insert "$4,140,500," so as to make the clause read:

Total public works, navy yards, naval stations, naval proving grounds, depots for coal and other fuel, Naval Academy, Naval Observatory, and Marine Corps, $4,140,500, and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 29, line 10, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

Transportation of remains: To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, $15,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Supplies and Accounts," in the item for pay of the Navy, on page 30, line 13, after the word "with," to strike out "Naval Militia, and for," so as to read:

Pay of enlisted men on the retired list, $359,127; extra pay to men reenlisting under honorable discharge, $964,812; interest on deposits by men, $34,568; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 48,000 men, $23,027,777.40.

The amendment was agreed to.

The next amendment was, in the item for Pay of the Navy, on page 31, line 3, after the word "fund," to insert the following proviso:

Provided, That hereafter the number of enlisted men provided for shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

The grade of acting chaplain in the Navy is hereby authorized and created, and hereafter original appointments shall be made by the Secretary of the Navy, not to exceed the number hereinafter provided, in the grade of acting chaplains in the Navy after such examination as may be prescribed by the Secretary of the Navy, and while so serving acting chaplains shall have the rank, pay, and allowances of lieutenant, junior grade, in the Navy. After three years' sea service on board ship each acting chaplain before receiving a commission in the Navy shall establish to the satisfaction of the Secretary of the Navy by examination by a board of chaplains and medical officers of the Navy his physical, mental, moral, and professional fitness to perform the duties of chaplain in the Navy, and if found so qualified shall be commissioned a chaplain in the Navy with the rank of lieutenant, junior grade. If any acting chaplain shall fail on the examinations herein prescribed, he shall be honorably discharged from the naval service, and the appointment of any acting chaplain may be revoked at any time in the discretion of the Secretary of the Navy.

Hereafter the total number of chaplains and acting chaplains in the Navy shall be 1 to each 1,250 of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners, and of the total number of chaplains and acting chaplains herein authorized 10 per cent thereof shall have the rank of captain in the Navy, 20 per cent the rank of commander, 20 per cent the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants, junior grade.

Naval chaplains hereafter commissioned from acting chaplains shall have the rank, pay, and allowances of lieutenant, junior grade, in the Navy until they shall have completed four years' service in that grade, when, subject to examination as above prescribed, they shall have the rank, pay, and allowances of lieutenant in the Navy, and chaplains with the rank of lieutenant shall have at least four years' service in that grade before promotion to the grade of lieutenant commander, after which service chaplains shall be promoted as vacancies occur to the grades of lieutenant commander, commander, and captain: *Provided*, That not more than seven acting chaplains shall be commissioned chaplains in any one year: *And provided further*, That no provision of this section shall operate to reduce the rank, pay, or allowances that would have been received by any person in the Navy except for the passage of this section, and that all laws or parts of laws inconsistent with the provisions of this section be, and the same are hereby, repealed.

The amendment was agreed to.

The reading was continued to line 5 on page 34.

Mr. LODGE. I desire to offer an amendment which I was requested to offer by the chairman of the committee in behalf of the committee. At the end of line 5, on page 34, under the head "Provisions, Navy," I move to insert what I send to the Chair.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 5, on page 34, insert as a separate paragraph:

Provisions, Navy: The accounting officers of the Treasury are hereby authorized and directed to allow members of the Navy Nurse Corps the amounts which as commutation of subsistence have been at any time checked against their accounts or withheld from them as the result of the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and to pay said sums out of any appropriation for provisions, Navy

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 36, line 9, after the word "credited," to insert "until expended," so as to make the clause read:

Those portions of the acts of June 25, 1910, and March 4, 1911, which create the "Naval supply account" under the Bureau of Supplies and Accounts, are hereby so modified and amended that hereafter the appraised value of all stores, equipage, and supplies turned in from ships, and ships' equipage turned in from yards or stations (except salvage), shall be credited to the current appropriations concerned, and the amounts so credited shall be available for expenditures for the same purposes as the appropriations credited until expended; and all acts or parts of acts in so far as they conflict with this provision are hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," in the item of appropriation for the construction and repair of vessels, on page 38, line 17, after "$958,100," to insert the following proviso:

Provided further, That the Secretary of the Navy is hereby authorized to enter into contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates, and for such other conditions as may be prescribed by the Secretary of the Navy, prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessel docked at a rate of charge not greater than price stipulated in said contract.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 42, line 10, after the word "until," to strike out "June 30, 1916" and insert "expended," so as to make the clause read:

The unobligated and unexpended balances of appropriation "Steam machinery" for the fiscal years 1912 and 1913, not exceeding in amount $250,000, which were made available by the act of March 4, 1913, for the development of a heavy-oil engine for one of the fuel ships provided by that act, shall be considered available for that purpose until expended.

The amendment was agreed to.

The next amendment was to insert, from line 18, on page 47, to line 6, on page 48, an item relative to the appointment of midshipmen by the Secretary of the Navy.

Mr. JONES. The junior Senator from Massachusetts [Mr. WEEKS] asked me to request that this amendment be passed

over. He was called out of the Chamber temporarily, and I ask that it may go over until he returns.

Mr. THORNTON. Very well; let it go over.

The PRESIDING OFFICER. The amendment will be passed over temporarily.

The reading of the bill was continued to the bottom of page 49.

Mr. THORNTON. The Senator from Massachusetts having returned, I ask the Secretary to read the amendment on page 47.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 47, after line 17, the committee report to insert:

Hereafter, in addition to the appointments of midshipmen to the United States Naval Academy as now prescribed by law, the Secretary of the Navy is allowed 25 appointments annually from the enlisted men of the Navy who are citizens of the United States and not more than 22 years of age on the date of entrance to the Naval Academy, and who shall have served not less than two years as enlisted men on the date of entrance: *Provided*, That such appointments shall be made in the order of merit from candidates who have passed such physical and such competitive mental examinations as the Secretary of the Navy shall prescribe; and candidates so selected shall then be required to pass the physical and mental examinations now required by law for entrance to the Naval Academy.

Mr. WEEKS. Mr. President, I reserve a point of order against the amendment to ask the Senator from Louisiana what reasons have been advanced for taking this course.

Mr. THORNTON. I send up two letters to the desk, and I ask that they may be read by the Secretary.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 17, 1914.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman House Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. PADGETT: I transmit herewith a proposed bill covering the subject of the appointment of young enlisted men to the Naval Academy. In order to open the appointments up to as many of them as possible, I have deemed it advisable to raise the age of entrance for them to 22 years. Many of them are not much under 20 when enlisted, and a requirement that they should have at least two years' service before appointment is considered advisable. If they were required to serve but a few months or a short period before becoming eligible for appointment to the Naval Academy, many would doubtless enlist with the appointment in view as the main object, and failing to get it would remain in the service dissatisfied or would be insistent upon being discharged.

If this bill should become a law, it is believed that it would have a good influence from every point of view, and would attract a great many young men into the service for one enlistment, during which they would render valuable service and be so trained and educated as to become very valuable as a reserve in case they should not reenlist.

Very respectfully,

JOSEPHUS DANIELS.

Mr. THORNTON. There is another letter sent to the desk, which I ask may be read.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, May 9, 1914.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR: The Navy bill, as introduced in the House, contained, on pages 44 and 45, lines 15 to 25 and 1 to 3, respectively, a paragraph authorizing the appointment annually of 25 enlisted men as midshipmen in the Navy. This paragraph was struck out on the floor of the House by a point of order.

I am particularly interested in this matter, and am convinced that it would be to the best interests of the service to have these appointments made. In order to open the appointments up to as many of the enlisted men as possible, I have deemed it advisable to raise the age of entrance to 22 years. Many of them are not much under 20 when enlisted; and a requirement that they should have at least two years' service before appointment is considered advisable. If they were required to serve but a few months, or a short period, before becoming eligible for appointment to the Naval Academy, many would doubtless enlist with the appointment in view as the main object, and, failing to get it, would remain in the service dissatisfied, or would be insistent upon being discharged.

If this bill should become law, it is believed that it would have a good influence from every point of view, and would attract a great many young men into the service for one enlistment, during which they would render valuable service and be so trained and educated as to become very valuable as a reserve in case they should not reenlist.

I find that this is a proposition that is very generally favored by all of the line officers of the Navy with whom I have come in contact.

Very respectfully,

VICTOR BLUE,
Acting Secretary of the Navy.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts make a point of order against the amendment?

Mr. WEEKS. I am going to make a point of order against it, but I should like to make a comment or two before making the point of order.

Mr. President, this is a radical departure in the method of selecting appointees to the Naval Academy for officers in the Navy. It seems to me the method which has been followed in the past has amply answered the purposes of the Government. Appointments are made by the President, Senators, and Representatives either as the result of a competitive examination or from young men who are known to the appointing power and who naturally are selected from the best fitted young men in the community from which they are appointed.

I do not know any objection to continuing the methods which have obtained. If it would increase the effectiveness of the enlisted force I could see some reason why there should be some selections from noncommissioned officers in the service. Indeed, that is the law now. There are young men appointed from warrant grades in the Navy who, after passing an examination, are commissioned as ensigns. So the doors are not entirely closed to enlisted men under present conditions.

It is true that in the Army many men are selected from the ranks for commissions in that service, but I believe it is agreed that on the whole they do not measure up to the graduates from West Point? If that is not a fact, why should we maintain a military academy and a naval academy? And if, on the other hand, those institutions produce better equipped officers than would come from some other source, then why not make the fullest use of them rather than commission officers selected in some other way? If we do not get better officers from our military institutions, then we should not be put to the great expense which we incur in maintaining them, but should abolish the Military and Naval Academies.

I want to have time to investigate this matter further and to have additional testimony to that which has been submitted before I am willing that this shall become a part of the law. I therefore make the point of order that it is new legislation.

Mr. PAGE. Mr. President——

Mr. THORNTON. Mr. President, I object to debating this question. I do not believe that a point of order can be debated in this way. I yielded when the Senator from Massachusetts [Mr. WEEKS] rose, because I thought he wished simply to present the reasons why he considered the amendment subject to a point of order, but I should regret to see any extended debate on this question. We want to go on with this bill, and I object to any debate on the question.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to make a point of order against the item?

Mr. WEEKS. I make a point of order against it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PAGE. I should like to ask the Senator a question, if he will permit me.

Mr. WEEKS. I am quite willing to answer questions, but I think the Senator in charge of the bill has cut off the possibility of any further comment on this provision.

Mr. PAGE. May I ask a question of the Senator from Massachusetts at this time? I shall be very brief; I shall take only a minute.

Mr. THORNTON. Very well, Mr. President—one question, and very brief.

Mr. PAGE. Mr. President, my experience as one who has dealt with the employment and promotion of men has led me to think favorably of this proposal. I believe to-day all of the large concerns that promote men are more inclined than they formerly were to promote from the bottom up, rather than to go outside for new men.

Mr. THORNTON. I do not understand that the Senator from Vermont is asking a question; he is debating and arguing. I beg him to please ask his question.

Mr. PAGE. I will ask the Senator from Massachusetts if he does not believe that that principle carried into the Navy would be as effectual and would be as much an improvement upon naval affairs as it is upon business affairs?

Mr. WEEKS. Mr. President, I doubt whether it would be. We commence at the Naval Academy, which is the ground floor of the education of an officer of the Navy, and it does not make much difference whether the boy comes from the farm or comes from the forecastle of a ship, he commences his training as an officer there.

Mr. PAGE. I should like to ask one question more, with the permission of the Senator from Louisiana, and I will take just a moment.

Mr. THORNTON. Well, Mr. President, I yield once more, though the Senator said he only wanted me to yield once. I will yield to another question, but I shall not yield to still another one.

Mr. GALLINGER. I presume the Senator from Vermont may debate this bill, if he wishes to debate it. The Senator from Louisiana has not the control of the debate on the bill.

The PRESIDING OFFICER. The Chair has ruled the amendment in question to be out of order; and it is now in order to read the next committee amendment.

Mr. LODGE. Mr. President, if I may be heard a moment, I wish to say that it is a great and unalterable privilege of the Senate to debate at great length matters which have been entirely disposed of, and I trust that that immemorial privilege will not be interfered with. [Laughter.]

Mr. PAGE. Mr. President, I confess that I asked the privilege of the Senator from Louisiana because I did not wish to be discourteous. I wish to assure him that I only desire to ask a question that will take but a moment, unless the reply of the Senator from Massachusetts shall suggest another, in which case I will omit further questions until the proper time to debate.

Mr. THORNTON. I beg the Senator from Vermont to please ask his question. I wish to say to him that the only object I have in this matter is to get along with this bill.

Mr. PAGE. I appreciate that.

Mr. THORNTON. Otherwise, of course, I would be perfectly willing to have Senators debate the bill ad libitum; but we have to stay here while they are debating.

Mr. PAGE. I should like to ask the Senator from Massachusetts, as a general principle, if he does not believe that the men of the Navy or the general personnel will be improved if it be understood that men who prove exceptionally faithful and capable will have an opportunity for promotion?

Mr. WEEKS. Mr. President, as I have already said, there is now an opportunity whereby if a man in the service attains a warrant rank he may take an examination, and if he passes that examination he may be commissioned; but, in my judgment, the age limit of this provision is entirely out of reason. A man should be graduated from the Naval Academy at 22 instead of entering at 22. That makes him 4 years too old when he receives his first commission. There are other features of this proposition on which I wish to have further light before I will allow it to become a law.

Mr. THORNTON. I ask that the reading of the bill be proceeded with.

Mr. VARDAMAN. Mr. President, as I understand, the Senate is now considering only committee amendments.

Mr. THORNTON. We are now considering committee amendments, I will say to the Senator from Mississippi.

Mr. VARDAMAN. Is it the purpose of the Senator from Louisiana to undertake to finish this entire bill this afternoon?

Mr. THORNTON. I should be very glad, indeed, to do so; and in that I think I speak the sentiments of the committee. Of course, it may not be practicable to do so; but we hope that it may be.

Mr. VARDAMAN. Then at this time an amendment to the original bill would not be in order?

The PRESIDING OFFICER. It would not. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Naval Affairs was, under the head of "Increase of the Navy," on page 56, line 20, after the word "each," to strike out—

One of the battleships hereby authorized shall be built and constructed at a Government navy yard; and the Secretary the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

So as to make the clause read:

That for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships carrying as heavy armor and as powerful armament as any vessel of their class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000 each.

Mr. O'GORMAN. Mr. President, I offer an amendment modifying the committee amendment just stated by the Secretary.

Mr. NORRIS. Will the Senator from New York yield for a question?

Mr. O'GORMAN. Yes.

Mr. NORRIS. I do not happen to have a copy of the bill before me, but I wish to inquire if the amendment which the Secretary read was not to strike out the provision of the bill which would provide that these battleships shall be built in a Government navy yard?

Mr. O'GORMAN. Yes; and it is with reference to that amendment that I am offering my amendment.

Mr. NORRIS. There are several Senators who wish to debate that question who are opposed to the amendment, and some of them are not now in the Chamber.

Mr. O'GORMAN. I have no objection, with the permission of the chairman of the committee, to letting the amendment go over.

The PRESIDING OFFICER. Without objection, the amendment will go over.

Mr. NORRIS. I do not ask that, Mr. President. Those Senators are not out of the city, and I will suggest the absence of a quorum, so that they may come into the Chamber.

Mr. SWANSON. We will let that matter go over. There is no particular dispute about it, and we can dispose of it.

Mr. NORRIS. I withdraw the suggestion.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 57, after line 7, to strike out:

One seagoing submarine torpedo boat, to cost not to exceed $1,100,000; and the sum of $500,000 is hereby appropriated for said purpose.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to strike out:

Three coast-defense submarine torpedo boats, in an amount not exceeding in the aggregate $1,860,000, and the sum of $525,000 is hereby appropriated for said purpose, and the appropriation made in the naval act approved March 4, 1913, "Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000," is hereby made available for the construction of said submarine boats.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to strike out:

Four submarine boats, in an amount not exceeding in the aggregate $1,500,000, and the sum of $800,000 is hereby appropriated for said purpose.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

Eight or more submarines, one to be of seagoing type, seven or more to be of coast and harbor defense type, to cost not exceeding in the aggregate $4,460,000, and the sum of $1,825,000 is hereby appropriated for said purpose, to be available until expended, and the appropriation made in the naval act approved March 4, 1913, "Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000," is hereby made available until expended for the construction of said submarine boats.

Mr. BRISTOW. Mr. President, I should like to inquire of some member of the committee who is familiar with the subject of seagoing torpedo boats and submarine boats why it is that the majority of such boats are for coast defense? Are the seagoing submarine boats an unquestioned success or are they not? Are they largely experimental so far as their usefulness is concerned?

Mr. THORNTON. Mr. President, I do not think the particular matter referred to by the Senator from Kansas was discussed in the committee. In this matter we were guided by the recommendations of the department.

Mr. BRISTOW. I notice that there is but one seagoing submarine provided for, while there are seven of the coast and harbor defense type, and I was simply asking for information as to what experience has demonstrated, whether the seagoing submarine boat is regarded as a success or whether it is largely experimental?

Mr. SWANSON. Other nations have them; they have been proving a success, and I think they have been a success here. One is all that the department desires at the present time of the seagoing type. The others provided for are for coast and harbor defense. Our coasts and harbors are very improperly defended by submarines. I think submarine boats have passed the experimental stage, including the seagoing type. That is the impression I have derived.

Mr. BRISTOW. It occurs to me that if they are a success we ought to have more than one of them in the Navy.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I do.

Mr. LODGE. In the very nature of things, a submarine must be chiefly used in defense and on the coast. The mere fact that the words "harbor defense" are used does not mean that such a boat can not proceed from one point to another, but the very nature of the submarine, of course, requires that it should not be far from land. You can not undertake to go into the open ocean and do much with a submarine; it is not constructed for that purpose. The radius of a seagoing submarine, I think, is

not more than two or three hundred miles; I may be wrong about that, but that is the impression I have. I have not asked the department regarding the matter, but I think they do not yet feel that they need a great increase of what are called "sea-going submarines," which are larger and more expensive boats than the ordinary submarines.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 58, line 9, before the words "coast-defense," to strike out "The three" and insert "Three of the," so as to make the clause read:

Three of the coast-defense submarine torpedo boats herein authorized shall be built on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlantic coast, plus the cost of transportation from the Atlantic to the Pacific; and the Secretary of the Navy is requested to consider the advisability of stationing the four small submarine torpedo boats herein authorized on the coast of the United States in the Gulf of Mexico as a proper naval defense thereof.

The amendment was agreed to.

The next amendment was, on page 59, line 1, after the words "account of," to strike out "building slips and equipment," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, $17,647,617.

Mr. GALLINGER. I wish to ask the Senator having the bill in charge why the words "building slips and equipment" were stricken from the bill, in line 1, page 59? Doubtless there is some good reason for it.

Mr. THORNTON. I will state to the Senator from New Hampshire that it is because the item is taken care of in another place.

Mr. GALLINGER. That is an entirely satisfactory reply.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 59, line 6, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; torpedo boats: On account of submarine torpedo boats heretofore authorized, to be available until expended, $1,685,617.

The amendment was agreed to.

The next amendment was, on page 59, line 10, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, to be available until expended, $421,000.

The amendment was agreed to.

The next amendment was, on page 59, line 13, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $14,877,500.

The amendment was agreed to.

The SECRETARY. The next amendment is, on page 59, after line 13, to insert——

Mr. ASHURST. Mr. President, as I understand the present parliamentary situation, an original amendment would not now be in order, but an amendment to the committee amendment would be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I move——

Mr. GALLINGER. Let the amendment first be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 59, after line 13, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

Mr. ASHURST. Mr. President, I move that, commencing with——

Mr. THORNTON. I will ask the Senator from Arizona to speak a little louder. He is speaking rather low, and there is a good deal of confusion around.

Mr. ASHURST. I simply say that my amendment, which was offered some two weeks ago and has been printed, purposes to strike out all of lines 14 to 25, inclusive, on page 50, and all of lines 1 to 6, inclusive, on page 60, and insert the following:

Provided, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, provided such contracts can be made at a price which, in his judgment, is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Mr. President, the large sum of money named in the amendment might be somewhat alarming at the first blush, but Senators who have been here from the year 1900 will recall that the amendment which I propose is simply, solely, and wholly a rescript of the amendment which was contained in the naval appropriation bill for the year 1900, and which will be found on page 355 of the Navy Yearbook for 1913.

One virtue of my amendment is this: The moral effect of such a statute will cause the armor-plate companies to reduce their prices. Mr. President, it will be remembered that in 1900, when this provision was incorporated into the statute books, the moral effect of the same caused the armor-plate companies to reduce their prices very materially.

This amendment was offered in the House of Representatives when this now pending bill was there. It was offered by Representative TAVENNER, of the State of Illinois, but went out on a point of order. To the amendment which I now propose I wish to address myself for just a few moments.

Mr. President, the Democratic national platform—and I trust Senators will observe that I do not put the soft pedal on "national platform"——

Mr. GALLINGER. Mr. President, if the Senator will permit me, is he going to discuss the free-tolls provision? [Laughter.]

Mr. ASHURST. Oh, no; I am just going to speak for a moment on this amendment.

Mr. GALLINGER. Oh, yes.

Mr. ASHURST. The Democratic national platform of 1912 declares, inter alia, in favor of the following reforms——

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. ASHURST. I decline to be interrupted.

Mr. BRYAN. I am not asking the Senator to permit me to interrupt him. I am raising a point of order.

Mr. ASHURST. I decline to be interrupted.

Mr. LODGE. A point of order can always be made.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. The point of order is that the amendment of the Senator from Arizona is out of order, because it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair understands that the Senator has not yet offered his amendment.

Mr. BRYAN. I thought he had offered it.

Mr. ASHURST. Not yet.

Mr. BRYAN. Mr. President, I understood the Senator to move to strike out all on page 59, beginning with line 14.

Mr. LODGE. The Senator moved to strike out and substitute.

Mr. ASHURST. I said that I would do so.

The PRESIDING OFFICER. The Chair understood the Senator to state that he was about to offer an amendment which he had not yet offered. It has not yet been sent up to the desk.

Mr. ASHURST. No; and it will not be sent to the desk until I shall have concluded what I have to say.

Mr. LODGE. Mr. President, I should like to have the Reporter's notes read.

Mr. ASHURST. The Democratic platform provides for the following reforms——

Mr. LODGE. One moment.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I decline to yield.

Mr. LODGE. I wish to have the notes read, to find out whether or not this matter is in order.

Mr. ASHURST. I decline to yield, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. The Democratic platform provides for the following reforms:

Honesty and rigid economy in the expenditure of public funds and a demand that we return to simplicity and economy.

The platform further declares for—

the maintenance of an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the integrity and honor of the Nation.

These two declarations are not in conflict with each other. The declarations of the Democratic platform of 1912 and the promises of the Democratic newspapers, magazines, and candidates, that the Democratic Party, if intrusted with power, would economically administer the affairs of government, must be scrupulously kept.

If asked to write a platform and limit it to two words, I should write down the following two: "Lower taxes."

The problem of an adequate Navy is a vast problem and involves the expenditure of large sums of money.

Mr. VARDAMAN. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ASHURST. The American people as a whole desire that we should be in a position to protect our country in the event of a conflict with a foreign power, if such should unfortunately arise; but it does not follow that the American people desire, therefore, to pay extortionate sums of money to an Armor Plate Trust to secure such protection; and the people especially object to paying further tribute to these men, the Armor Plate Trust, whose strong boxes are now plethoric and filled to the bursting point with profits secured from war scares.

On Friday, February 28, 1913, when the Senate had under consideration the bill (H. R. 28812) making appropriations——

Mr. BRYAN. Mr. President——

Mr. ASHURST. I decline to yield.

Mr. BRYAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. It is that the Senator from Arizona did offer an amendment. Since the statement by the Chair that the Chair understood the Senator simply to give notice of his intention to offer an amendment, I have ascertained from the Reporter that the Senator from Arizona did offer an amendment.

Mr. LODGE. I ask for the reading of the Reporter's notes to settle the matter.

The PRESIDING OFFICER. The Reporter will read his notes.

The Reporter read as follows:

Mr. ASHURST. Mr. President, as I understand the present parliamentary situation, an original amendment would not now be in order, but an amendment to the committee amendment would be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I move to strike out——

Mr. GALLINGER. Let the amendment first be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary stated the amendment.

Mr. ASHURST. Mr. President, I move that, commencing with line 14, page 59, all of lines 14, 15, 16——

Mr. THORNTON. I will ask the Senator from Arizona to speak a little louder; he speaks rather low, and there is a good deal of confusion around.

Mr. ASHURST. I simply say that my amendment—it was offered some two weeks ago, and has been printed—purposes to strike out all of lines 14 to 25, inclusive, on page 59, and all of line 1 to line 6, on page 60. I think I shall read the amendment. Strike out all I have indicated and insert the following.

Mr. LODGE. The Senator twice stated that he moved the amendment, and then said: "I think I shall read the amendment."

Mr. BRYAN. The Senator from Arizona has offered an amendment proposing to strike out and insert. Upon that I raise the point of order that it is general legislation upon an appropriation bill. The point of order is not subject to debate.

The PRESIDING OFFICER. The Chair thinks, upon having the notes read, that the point of order is well taken. The Chair will state that he had the impression that the Senator was simply reading in advance what he proposed to offer; but, according to the reading of the Reporter's notes, the amendment is now pending and is subject to a point of order.

Mr. ASHURST. I withdraw the amendment, Mr. President.

Mr. BRYAN. I object.

The PRESIDING OFFICER. The amendment is ruled out on a point of order.

Mr. OLIVER. I make the same point of order against the committee amendment.

Mr. ASHURST. Mr. President, it may be parliamentarily proper for my friend from the State of Florida to try to take me off the floor, but I will say that I am a man of more resolution than to be swept off the floor in this way. He is not going to deprive me of the right to be heard on this question, and I regret——

Mr. BRYAN. Mr. President——

Mr. ASHURST. I decline to yield. I shall make this speech, and if the Senator does not see fit to listen to it, he can flee precipitately to the cloakroom.

The PRESIDING OFFICER. The Chair will state that the Senator has his rights. He can appeal from the decision of the Chair, and then take the floor.

Mr. ASHURST. I do not care to appeal. The amendment is obnoxious to a point of order.

Mr. NORRIS. Mr. President, the Chair has not decided, has he, that the committee amendment is out of order? It is just the amendment of the Senator from Arizona, as I understand.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. The Chair has not decided any of them to be out of order.

Mr. NORRIS. I understand that the Chair has decided that the amendment of the Senator from Arizona is out of order, but he has not decided the point made by the Senator from Pennsylvania [Mr. OLIVER], that the committee amendment is out of order. The Senator from Arizona would have a right to discuss the amendment of the committee unless it was held out of order, would he not?

Mr. ASHURST. Yes, Mr. President. I desire to address myself to the committee amendment.

Mr. OLIVER. I should like a ruling on my point of order.

The PRESIDING OFFICER. The Chair will be compelled to rule that the committee amendment is also out of order.

Mr. ASHURST. Mr. President, I desire to address myself to the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. ASHURST. Mr. President, the interruptions to which I have been subjected require that I restate a part of what I said in the commencement of my remarks.

It was my intention to propose an amendment to this bill which would provide that the Secretary of the Navy should have the power to make contracts for the purchase of armor plate, and that if the contracts were exorbitant, or the price paid too high, then and in such event the Secretary of the Navy would be authorized and empowered to construct an armor-plate factory. In other words, I purposed introducing an amendment which was an exact rescript of the paragraph found in the naval appropriation bill of 1900, to wit, on page 355 of the Navy Yearbook, known as Senate Document 247, Sixty-third Congress, second session.

I find no particular fault with the amendment proposed by the committee. It provides, however, for an investigation, and we have had a sufficient number of investigations already.

The amendment is better than nothing, but I am not much given to compromises. If you compromise, you run the risk of losing that to which you are entitled; and if we compromise away the right of the people and fail to stop the Armor Plate Trust from picking the people's pockets, their pockets will be picked all the more the longer we compromise.

The amendment proposed by the committee is salutary, it is wise; but it is not so good as the amendment which I propose. I will say that I had no more expectation of my amendment becoming a part of this law than I have of reaching up and drawing down part of the revolving fan above me, for reasons obvious at least to me, if not to others, the reasons being that many Senators abler than I, of more experience than I, and just as patriotic as I, take the view that it is not wise, expedient, just, nor proper for the Government to enter into the business of manufacturing armor plate or anything else.

With those Senators I have no quarrel. They have the moral and legal right to make their arguments, and I have the right, and shall exercise it, to make my argument in favor of my proposition.

I see that the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] has entered the Chamber. Having read of the great struggle that he carried on some seven or eight years ago to have a hearing in this Chamber in behalf of principles he believed to be wise, I emulate his example, and shall continue to speak in behalf of what I think is right; and the puny efforts of Senators to sweep me off the floor will be disregarded as idle wind that passes by and that I regard not.

As I was about to say, the Democratic national platform of 1912 declares, inter alia, in favor of the following reforms——

Mr. VARDAMAN. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER rapped with his gavel.

Mr. ASHURST (reading)—

Honesty and rigid economy in the expenditure of public funds and a demand that we return to simplicity and economy.

The platform further declares for—

The maintenance of an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the integrity and honor of the Nation.

These two declarations are not in conflict with each other. The declarations of the Democratic platform of 1912 and the promises of the Democratic newspapers, magazines, and candidates, that the Democratic Party, if intrusted with power, would economically administer the affairs of Government, must be scrupulously kept.

If asked to write a platform and limit it to two words, I should write down the following two: "Lower taxes."

The problem of an adequate Navy is a vast problem and involves the expenditure of large sums of money. The American people, as a whole, desire that we should be in a position to protect our country in the event a conflict with a foreign power unfortunately should arise; but it does not follow that the American people desire, therefore, to pay extortionate sums of money to an armor-plate trust to secure such protection; and the people especially object to paying further tribute to those men whose strong boxes are plethoric and filled to the bursting point with profits secured from war scares.

On Friday, February 28, 1913, when the Senate had under consideration the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, the following proceedings were had:

The Secretary continued the reading of the bill, and read as follows:

"Increase of the Navy: armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $11,508,300."

Mr. ASHURST. Mr. President, I desire to propose an amendment at that particular point, which I now send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 7, after the numerals, it is proposed to insert the following proviso:

"*Provided*, That the Secretary of the Navy shall forward to Congress at the earliest practicable date a full report of all bids received by him relating to the purchase of armor, ship plates, and structural steel for the battleship or dreadnaught purported to be named, when completed, the *Pennsylvania*, and that the Secretary of the Navy be, and he is hereby, directed not to award any contract for the purchase of steel, armament, armor, or ship plates until further directed by Congress."

Mr. President, at that time I spoke in support of my amendment as follows:

Mr. ASHURST. I purpose that the amendment shall be retroactive in character and that it shall relate to the bids which were opened about 10 days ago by the Secretary of the Navy. * * *

I might say that the amendment I proposed there went out on a point of order made by the distinguished senior Senator from Massachusetts [Mr. LODGE].

I further said:

The Armor Plate Trust is composed of the Carnegie Steel Co., of Homestead, Pa., subsidiary of the United States Steel Co.; the Bethlehem Iron & Steel Co., of Bethlehem, Pa.; and the Midvale Steel Co., of Philadelphia, Pa.

Bids were opened about 10 days ago—

Mark you, I was speaking then on the 28th day of February, 1913—

by the Secretary of the Navy for approximately 8,000 tons of armor plate for the dreadnaught *Pennsylvania*. These companies mentioned above were represented here by President Dinkey, of the Carnegie Co.; Vice President Johnston, of the Bethlehem Co.; and Vice President Petrie, of the Midvale Co. These gentlemen were frequently in conference. As a consequence, when the bids were opened it occasioned no surprise to find that the bids did not vary a dollar a ton between the three companies and that the bids were, in fact, $25 a ton more than the price received by these companies on the last previous contract. In view of this apparent collusion of these three companies, comprising the Armor Plate Trust, it is inadvisable that the contract should be awarded without investigation.

The point of order made by the distinguished Senator from Massachusetts prevented an investigation, of course.

As it requires about three years to build a battleship, armor plate will not be needed for at least a year, and therefore no harm can come from a delay of a few weeks until this matter can be investigated.

Mr. President, I repeat, the amendment went out on a point of order.

I introduced this amendment in view of the apparent collusion of these companies, which companies, I might add, comprise the Armor Plate Trust, as it certainly seemed inadvisable that the contract should be awarded without some investigation, especially in view of the fact that it requires about three or four years to construct a battleship, and the armor plate for these ships would not be required for nearly a year. It seemed obvious that no harm could come by a delay of a few weeks until the matter could be investigated. But a point of order was made against the amendment I proposed, which point of order was sustained by the then presiding officer.

I do not especially complain about the ruling of the Chair, as I have some doubt as to whether the amendment was cognizable under the rules at that time, and I find no fault with the rule, although in that particular case it happened to defeat a wholesale modification in the proposed law. Notwithstanding the intimation made on the floor of the Senate that there was apparent collusion among the three pretending competitors, and notwithstanding the complaint that the bids were about $34 per ton higher than the price received for armor plate on the last previous contract, the then Secretary of the Navy, in the expiring hours of a defeated, not to say discredited, administration, accepted the bids, and on the 3d day of March, 1913, let the contract by dividing, for all practical purposes, the 8,000 tons of armor plate among the three companies pretending to be competitors. Without further emphasizing the unexplained and peculiar haste on the part of the retiring Secretary of the Navy to facilitate these companies comprising the Steel Trust——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. I yield.

Mr. REED. Could the Senator state what was the aggregate amount the Government was mulcted by that?

Mr. ASHURST. Exactly $1,600,000.

Mr. REED. Who was Secretary of the Navy at that time?

Mr. ASHURST. The Secretary whose term of office expired March 3, 1913.

Mr. LA FOLLETTE. Von Meyer.

Mr. ASHURST. Von Meyer was the Secretary, the predecessor of the present Secretary. The result of letting such contracts was and is that this Government, if the contract shall be enforced, will be required to pay $454 per ton for class A armor plate when heretofore this Government has never paid a higher price than $420 per ton for class A armor plate.

But, Mr. President, the apparent collusion among the pretended competitors and the additional $34 per ton to be paid by this Government for the armor plate are not the only facts relating to that transaction which should be exhibited to the Senate and the country.

On March 17, 1913, I introduced the following resolution in the Senate:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate of the dreadnaught *Pennsylvania;* and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an Armor Plate Trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate at as early a date as practicable a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

On May 22, 1913, I introduced S. 2308, to provide for the erection of an armor-plate factory, and in support thereof spoke in part as follows:

Mr. ASHURST. * * * By introducing this bill I am not pioneering any new movement or attempting to bring to the notice of Congress a subject with which Congress is unfamiliar, but I am simply endeavoring to put into law the concrete result of the valuable public services respecting this subject that were performed by a Senate committee in the Fifty-fourth Congress.

It has been a pleasant task for me to read the tomes that make up the Senate reports and to find that in the early part of January, 1896, the Senate Committee on Naval Affairs had before it and considered a bill of which the one I have just introduced is almost a rescript. It is with peculiar pleasure I find that the distinguished senior Senator from Georgia [Mr. Bacon] and the distinguished senior Senator from South Carolina [Mr. TILLMAN]—

I was speaking then on May 22, 1913—

were then, as now, engaged in rendering patriotic and valuable services to their country. I find that the committee which then considered the subject of the erection of an armor-plate factory was comprised of Senators Cameron (chairman), Hale, Perkins, McMillan, Chandler, Bacon, and Tillman. That committee, in addition to considering the bill for the erection of an armor-plate factory, had before it a resolution, agreed to on December 31, 1895, which, among other things, directed the Committee on Naval Affairs to inquire whether prices paid or agreed to be paid for armor for vessels of the Navy were fair and reasonable.

On January 18, 1896, the committee began investigation by receiving a statement made in person by the then Secretary of the Navy, Hon. Hilary A. Herbert. Testimony was also taken from various sources, and hearings were granted to the Bethlehem Iron Co. and the Carnegie Steel Co. Owing to the rapid progress of Congress in dispatching its business it was found impossible to conclude the inquiry and make a written report at the close of the session. During the recess of Congress the Secretary of the Navy proceeded to obtain information upon

which to make conclusions necessary to enable him to form an opinion upon the question as to what was a fair price for armor. The committee made its report on February 11, 1897, and the testimony adduced and the statements made at the hearings were printed. No one may read the report of that committee and the testimony adduced at the hearings and fail to reach the conclusion that it is wise and salutary, indeed necessary, to establish a Government armor-plate factory.

Indeed, Mr. President, the fifth recommendation of the committee reads as follows:

"That a Government armor-plate factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law."

At the hearings before the committee naval officers made statements to the effect that armor plate could be furnished for $250 per ton. Among others, Lieut. Commander John A. Rogers stated:

"I am of the opinion that the average cost of labor and materials will not be more than $250 per ton of armor."

Therefore, Mr. President, it seems to me that the Government of the United States should proceed to erect a factory for the manufacture of armor plate, and in so doing it could free itself from the graspings and extortions of the Steel Trust, and I repeat that in these hearings that were had before the Naval Committee in 1896 it was demonstrated that this Government could manufacture armor plate at about one-half of the price charged by these companies that pretend to compete but in truth are in collusion and are not competitors at all.

* * * * * * *

[Senate Reports, vol. 2, 54th Cong., 2d sess., 1896–97].

"Conclusion of Secretary Herbert in his report of January 5, 1897, says: The Secretary called together a board composed of Lieuts. Karl Rohver, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Co.'s Iron Works; the other, Lieut. Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years, during which time he had spent several months at both the Bethlehem and Carnegie Works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged in the furnace for casting the ingot preparatory to the forging process and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged Harveyed nickel steel armor, the Government supplying the nickel (nickel at $20 per ton), was $167.30.

* * * * * * *

"Lieut. Commander Rodgers, who had been an inspector at Bethlehem Iron Works, was called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged Harveyed nickel steel armor $178.59.

* * * * * * *

"The inspector of ordnance at the Carnegie Steel Co., Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged Harveyized nickel steel armor is $161.54.

* * * * * * *

"Average for single forged of above estimate is $185.38, and $197.78 for reforged armor."

Mr. President, on July 12, 1913, the honorable Secretary of the Navy transmitted to the Senate a letter, in response to a resolution of the Senate adopted on May 27, 1913, requesting information with reference to the cost of armor plate and its manufacture. The letter of the honorable Secretary was a very comprehensive report and evidenced the fact that the Navy Department was fully aware of the injustice to our Government being committed by the Armor Plate Trust.

I shall now read the Secretary's report made on this subject. This report is not the shouting of a wild demagogue.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Florida?

Mr. BRYAN. The Senator appears to apply his remarks to me, and the Senator will not allow me to interrupt him.

Mr. ASHURST. I will yield to the Senator.

Mr. BRYAN. I wish to say that the Senator is very badly mistaken. I did not raise a point of order that would prevent the erection by the Government of an armor-plate factory. The Senator from Arizona himself introduced here a resolution calling upon the Secretary of the Navy to give information as to what an armor-plate factory would cost. The Secretary of the Navy is unable so far to give the information asked for in that resolution, and it had been asked for on previous occasions.

It is for that reason that the Secretary himself suggested the amendment, which appears in italics on pages 59 and 60, which the Senator from Arizona himself moved to strike out. I undertake to say that the Committee on Naval Affairs is not subject to the charge the Senator from Arizona seems to have in mind, that we are trying to further the interests of any manufacturers of armor plate.

Mr. President, the Secretary of the Navy himself says that the amount of money provided by the amendment which the Senator from Arizona offered this afternoon, $4,000,000, would be insufficient to furnish armor plate for half of one battleship, and that in order to have a two-battleship program to manufacture our own armor plate we would have to build a plant costing $17,000,000, or approximately that. The Secretary is unable yet to state whether it ought to be done or not, but he wants this committee amendment so that he may investigate further and inform the Senate.

I say, when the Senate committee, in pursuance of the Senator's own resolution and at the request of the Secretary of the Navy, incorporates an amendment into the bill, and then the Senator who introduced the resolution which originated that information and that amendment by the Senate committee moves to strike it out, I do not know how he can attack the committee. The committee is proposing to do the very thing the Secretary asked to have done in order that he may make an investigation before we build an armor-plate factory instead of investigating whether it could be done after the money has been appropriated.

Mr. ASHURST. I have not charged that the Senate committee or any Senator has done anything for the specific purpose of encouraging the Armor Plate Trust or enlarging its profits. I have simply made the observation that the striking out of my amendment on the point of order raised by the Senator would have that effect, innocently, however, of course.

Mr. BRYAN. Does not the Senator realize that the Secretary of the Navy states from the best information he can obtain that in order to erect an armor-plate factory to build two battleships a year would require an appropriation of about $17,000,000 in addition to the site? The Senator in his amendment provides for only $4,000,000. Can the Senator criticize the committee for reporting an amendment giving to the Secretary of the Navy the right and the full power to make an investigation, to look into the books of the companies, in order to ascertain the facts?

Mr. ASHURST. The amendment I propose carries that power. Let me read it again.

Mr. BRYAN. But the Senator's amendment does not appropriate enough money to furnish armor for one battleship.

Mr. ASHURST. That is the Senator's opinion.

Mr. BRYAN. That is the opinion of the Secretary of the Navy. I have no opinion about it.

Mr. ASHURST. My opinion is that the sum of $4,000,000 is sufficient.

Mr. BRYAN. Let me ask the Senator what he thinks of this statement which I read from the report of the Secretary of the Navy:

> The cost of a plant capable of turning out 10,000 tons a year, which is about half of the armor needed on a two-battleship program, is estimated by the Chief of the Bureau of Ordnance at $8,466,000, and the cost of the armor at $314 a ton.

Skipping some, I read further:

> On 10,000 tons the Government would save $1,400,000 per annum.

Now, he says further:

> In the case of the 20,000-ton plant, which it is estimated can produce armor at $279 a ton, the net saving is $3,048,462.24.

If you erect a plant costing $17,000,000, the Secretary estimates that you can save $3,000,000 a year, but the Secretary is of the opinion that in order to provide enough armor plate to construct one ship a year we would need to expend for the factory alone $8,500,000. That is the best information we have been able to get. Yet the Secretary is not willing to act upon the information so far obtained by him, and he asked the committee to authorize him by an amendment to proceed to get that information, and that is what the committee did.

The Senator from Arizona says that anyone who raises the point of order upon an amendment which proposes to spend $4,000,000, which is claimed by the department to be a useless expenditure, is acting in behalf of the armor-plate factories. The Senator knows the point of order that will be raised. He knows that it has been raised all the time. If the Senator from Arizona has information sufficient to lead him to believe that we can build an armor-plate factory for $4,000,000, and that the information of the Navy Department that it will cost $17,000,000 is wrong, why does not the Senator introduce a bill which is not subject to a point of order and prove to the Senate and save $3,000,000 by the expenditure of $4,000,000?

Mr. ASHURST. I have introduced a bill which is sleeping now in your committee, which proposes to appropriate the sum of $1,600,000 to begin the construction of an armor-plate factory.

Mr. BRYAN. Does the Senator think that will be sufficient?

Mr. ASHURST. My dear Senator, do I think that will be sufficient with which to begin? Did you hear what I said a moment ago? In 1896 the Senate committee investigated, and paragraph 5 of its findings was as follows:

> That a Government armor-plate factory can be erected for the sum of $1,500,000.

Mr. BRYAN. On what date was that report?

Mr. ASHURST. 1897. Assuming that it is double that amount and that it will cost $3,000,000 to build a factory——

Mr. BRYAN. Why does the Senator make that contention when the Secretary advised Congress in reply to his own resolution that to build and turn out 10,000 tons a year would cost $8,466,000? Surely the Secretary had that information.

Mr. ASHURST. I will now read from the annual report of the Secretary of the Navy for the fiscal year 1913, in which he recommends the construction of an armor-plate factory. I will begin on page 8 of the report; this is the report for the fiscal year 1913, submitted to the Senate and printed under the order of the Senate:

IMPORTANCE OF ARMOR-PLATE FACTORY.

I desire to recommend the passage at the earliest moment of a sufficient appropriation to begin the construction of a Government armor plant to relieve a situation which, in my estimation, is intolerable and at total variance with the principle of economy in spending Government money. It is not my intention to enlarge here upon the economic reasons that prompt me to make this recommendation, as I have already gone into them at length in a letter to the Senate in response to a request for information and which I add to this report as an appendix. It is sufficient to mention here that only three firms in this country can manufacture armor plate, and that these firms have put in bids for armor plate seldom varying over a few dollars, and in many instances being identical to a cent. Asked for reasons as to the uniformity of these bids, two of the firms replied frankly that as the contract would be divided amongst them anyway, the only effect of competitive bids would be to reduce the profits made by all of the three firms.

The department has made every effort to secure real competition and reasonable prices, even to the extent of withholding awards until the necessity of building battleship *No. 39*, since called the *Pennsylvania*, I believe, made it imperative that action be taken. After long negotiations the best efforts of the department resulted in securing a saving of $111,875, by new "competitive" bids, a purely nominal competition, inasmuch as the successful bidder proposes to divide up the work with his rivals.

I merely wish to interpolate long enough to say, and I said it in the beginning of my remarks, that the amendment proposed by the committee was salutary—in fact, a good amendment; but we have had enough investigation; we have spent thousands upon thousands of dollars in investigating—I simply propose to change the amendment, because we had all the facts that we can procure, anyway, and provide an appropriation for the commencement, at least, if not for the entire construction, of the plant.

I wish again to emphasize the fact that what I have said must not be construed as a reflection upon the capability or the integrity of the committee. Senators have a right to argue facts without having their remarks construed as reflections upon the capabilities or the patriotism of other Senators.

This saving, while well worth the time it took to secure it, is after all very small as compared with the total cost of the armor. Prices charged by these firms for armor have been investigated by Congress a number of times and by special boards of experts, and in every case the investigators have reported that the prices charged are greatly in excess of the cost of manufacture. With the desire to be just, the Secretary offered to transmit to Congress any figures these companies cared to submit to show that their prices were reasonable, but they have refused to present the absolutely necessary data to the Secretary unless he would agree to accept it as confidential, which, of course, means that he would not allow Congress to analyze the figures.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. REED. Does the Senator from Arizona know why, when we are engaged in investigating almost everything on earth, somebody has not proposed to empower a committee of Congress to investigate and find out what it does cost to make armor plate?

Mr. BRYAN. Mr. President, that is the very purpose of the committee amendment; but the Senator from Arizona [Mr. ASHURST] assumes that he already knows what it will take to make armor plate, and what ought to be spent he wants to appropriate in this bill. That is the difference. The Secretary of the Navy says he does not know and that his department does not know.

Mr. REED. What is it that it is proposed to investigate?

Mr. BRYAN. The proposition is to have the Secretary of the Navy make a complete investigation.

Mr. REED. But if the armor-plate concerns refuse to furnish the information?

Mr. BRYAN. But they have not refused.

Mr. REED. I understood the Senator from Arizona to say that they refused to furnish the information unless it was considered confidential.

Mr. ASHURST. Exactly.

Mr. BRYAN. If the report presented to the House is confidential, I am surprised to know that we have this complete statement from the Secretary of the Navy, dated June 28, 1911, in which he states that the estimated cost of an armor plant, with a capacity of 20,000 tons annually, is $11,288,431, and that would build two battleships.

Mr. REED. The Senator from Florida misapprehends me.

Mr. BRYAN. A plant with a capacity of 10,000 tons of armor would cost $8,466,000, and that would build one battleship. The Senator from Arizona says we could buy a site and build a factory for $4,000,000.

Mr. REED. Mr. President, I am obliged to the Senator from Florida; but that was not the inquiry I was pursuing.

Mr. BRYAN. I understand the Senator's inquiry. Then, the Secretary of the Navy proceeds to say that, from the best information the department has, it costs $279 a ton on 20,000 tons. In an armor plant with a capacity of 10,000 tons the armor will cost $314 a ton; in a plant with 5,000 tons capacity the armor would cost $354 per ton.

It is also stated:

(d) The estimated cost of manufacturing the best armor plate per ton (Senate resolution) is $269. This is the estimated cost at a well-equipped private plant and includes all elements of cost except interest on investment. If the latter is considered to be a legitimate charge on the cost of armor plate, the sum of $49 should be added to the foregoing, making a total cost of $318 per ton.

The Secretary says that is his best information; but he is not yet satisfied, and he has asked for authority to investigate, to go into these armor-plate factories and to examine the books of the companies to see what it costs to manufacture armor plate, so that he can come back to Congress and tell us at the next session. That is the amendment which the committee recommends. The Senator from Arizona moves to strike that out and to appropriate $4,000,000 to buy a site, to erect a factory, and to proceed to the manufacture of armor plate.

Mr. REED. That throws some light upon the matter about which I was inquiring. Of course, as to these armor-plate factories, if they refused to furnish the information to the Secretary of the Navy and he was without authority to compel the information, it would appear that Congress or somebody having authority ought to direct an investigation. That was the matter about which I was inquiring. I now understand from the Senator from Florida [Mr. BRYAN] that the committee has undertaken to reach that result by the passage of a law giving the Secretary of the Navy the right to make the investigation.

Mr. BRYAN. I want the Senator from Missouri to know that the committee has adopted the amendment sent to them by the Navy Department.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I think a part of the mutual misunderstanding of Senators grows out of their failure to remember what I think happened in this case. What the Senator from Arizona [Mr. ASHURST] was reading from a few moments ago was as far back as 1896. Subsequently to that date there was a congressional investigation of this very question by a Senate committee. That was at a time when prices were different from what they now are. So the answer to the question of the Senator from Missouri [Mr. REED], as to why somebody has not introduced a resolution to investigate the matter, is that somebody did introduce such a resolution, that it was passed, and that such an investigation was had.

Mr. ASHURST. Will the Senator permit me to interrupt him there?

Mr. WILLIAMS. Yes.

Mr. ASHURST. I will say that in my investigation of this question—I put in some months on it—I found a very illuminating speech made some years ago by the distinguished Senator from Mississippi [Mr. WILLIAMS], in which he pointed out the injustice that these manufacturers had perpetrated upon this Government and their extortionate charges. I was led to conclude that we have had four or five investigations; we have had at least three; and while I do not now object to an investigation, for it would be salutary, but not as salutary as the erection of an armor-plate factory by the Government itself——

Mr. WILLIAMS. Mr. President, there is one point there which I ask the Senator from Arizona to remember. The provision of the Senate committee, which a moment ago went out on a point of order——

Mr. ASHURST. I am very sorry it did.

Mr. WILLIAMS. Involved not only an investigation as to the price of making the armor plate, but the selection and purchase of a site that shall be convenient for its manufacture.

While upon this question, if the Senator from Arizona will pardon me a moment longer, in pursuance of what he has just said, I will repeat that this is no new question at all, as the Senator himself has said. I, myself, at the other end of the

Capitol, and a great many others dealt with it 10 or 12 or 14 years ago—I do not remember how long ago—first, I believe, in the Fifty-fourth Congress, when Mr. Herbert was Secretary of the Navy—and at succeeding intervals very many times. There is no doubt about the fact of robbery; there has never been any doubt about it; the Government has been cruelly robbed in the prices, which it has been forced by conspiracy to pay; and there is equally no doubt about the right remedy; and that right remedy is that the Government of the United States should manufacture armor.

The general principle which leads good Democrats to believe that governments should not go into private business as competitors with citizens in industrial enterprises does not apply in a case like this. The Government as much as anybody else has a right to make a thing for its own use, especially when by the very nature of the case, as in this instance, real competition among those who alone make and sell to it can not exist; that is not competing with private industry in any illegitimate manner at all. It is an inherent right of the consumer just as my weaving the cloth and cutting out of it a suit of clothes for myself would be. So much for that.

While about it I want to express the hope that the Committee on Naval Affairs will report a separate bill on this subject, and that that bill will go further than this committee amendment, though the amendment is in itself excellent; that the bill will contain the language of this amendment, and also carry an appropriation of not to exceed, say, $9,000,000, placed at the behest of the Secretary of the Navy to use in the purchase of a site, the erection of a factory, and the construction of armor plate as the construction of battleships goes on and as the work may demand.

I want to add that there is a reason outside of preventing glaring and accustomed robbery for it; there is a reason greater than the robbery, which is a mere money reason after all. Armor-plate makers and makers of munitions of war all the world over are a part of that great, invisible empire of influences which make for war and against peace. They are the stirrers up of the constant reports and rumors spread broadcast just prior to appropriations by legislatures in every nation of this world of "approaching warfare." An instance was brought out in Germany in the case of the Krupps, the greatest manufacturers in the world of armor plate and of guns and munitions of war of every description. It was proven that out of their secret funds they had employed men in Paris to excite the French people with a fear of a war with Germany, so that the amount of appropriations of the Corps du Legislatif for the purchase of munitions of war of every description might be increased, and at Berlin they had also men upon their list "accelerating public opinion," as some fellow in New York once called it, to excite the German people about the "hostile intentions" of France. Although we have not had the proof of the existence of the same sort of thing in Washington which has been proven and admitted to have existed in Paris and in Berlin, I myself do not doubt for one moment that it has existed here and that the "war scares" that come up every time a Naval or Army appropriation bill is pending is attributable to such sources.

We have missed it this year because they did not need it; we have trouble enough in Mexico to answer their purposes, but on all previous occasions these war scares have come up just prior to the passage of the Army and the naval appropriation bills. Mysterious rumors about the evil intentions of foreign Governments have been circulated. Japan has been the chief power exploited in this country. Of course, in Germany France was, in Austria Russia was, and in France Germany was, and then, the old French and German material having given out, they started a new war scare, when, by vague rumors, all Great Britain was on the verge of hysterics about a possible war with Germany, owing to the mean, bad, conspiring "militaristic" army and navy and Government of Germany, which was getting ready to sweep her trade by force from the seas.

I do not mind the money so much, but I would like to deprive the war influences of this world of one of their greatest and most influential allies. This would be done just in proportion as the hopes for private and pecuniary profit from war was extinguished. Of course the Chair ruled perfectly proper; the Chair could do nothing else—but I hope that the committee will bring in, and that we will pass at the first opportunity, a separate bill which will not be subject to a point of order, and which will contain language similar to that contained in the amendment providing for all necessary investigation as to site and cost, and so forth, and go further and say that if the Secretary of the Navy concludes that it is an advisable thing to do, then, "there is hereby appropriated a sum not to exceed $10,000,000." That will provide for at least one factory, which will be capable of turning out enough armor for one battleship, and will leave us at the mercy of these people for only another battleship, or an armor plant might be constructed on such a plan as could, at the very first, make the armor for one battleship, and by extensions of the plan from year to year its product could be gradually increased to the amount necessary for two or for three battleships.

I beg pardon of the Senator from Arizona. I did not intend, when I got on my feet, to go into all that, but the Senator referred to what happened in the House and my part in it. I thought of pursuing the line suggested by him as much further as I have pursued it.

Mr. ASHURST. So far from asking my pardon, I want to thank the Senator from Mississippi for the valuable contribution he has made to my poor speech.

Mr. President, I shall proceed as rapidly as possible and shall conclude in a very few moments. I was reading, it will be remembered, from the report of the Secretary of the Navy, who says:

> Confidential information about public expenditures was not desired and was not accepted. It is evident that without an armor plant of its own the Government in time of war or impending war would be entirely at the mercy of these three manufacturers and obliged to pay practically whatever price they asked. History does not warrant an assumption that the patriotism of these companies would prove superior to their desire for profits, inasmuch as during the time that war with Spain was imminent, these companies refused to accept the price fixed by Congress, after investigation, as a just rate, and declined to manufacture any armor until they got their own price of $100 a ton more than that which Congress had determined on. In this connection it is well to note that the love of country possessed by these companies did not prevent them from furnishing armor to Russia, as reported to Congress, in 1894 at $249 a ton, while they were charging the United States $616.14 a ton upon purchases under the contract of March, 1893, nor did it hinder them from furnishing armor to Italy in 1911 at $395.03 a ton, while they were charging their own Government $420 a ton, and that even at the present day, according to information that seems reliable, they are furnishing the armor for the *Haruna*, now being built by the Kawasaki Co. at Kobe for Japan, at $406.35 a ton, as against the price, ranging from $504 to $440 a ton, which they are now charging us for the armor of battleship *No. 39*.

The honorable Secretary proceeds:

> I am convinced from the reports made to me by experts who have gone carefully over the subject that we can make armor much cheaper than we now buy it, and that, from an economic point of view alone, the erection of a Government plant is amply justified. By manufacturing armor plate in its own plant the Government will be able to keep for its own use any improvements in the manufacture or composition of its armor that may be developed. The last word has not been said in armor, and past history shows that great improvements in the manufacture and design of armor plate have been made. The greater part of these improvements were suggested by actual experience gained by naval officers. Under our present system of obtaining our armor plate from private companies such improvements become the property of all the world, and can be obtained by anybody who cares to buy them. Even now the improvements in armor and the designs worked out by the Navy have been embodied in the warship of another nation recently finished by the Bethlehem Steel Co. and put into commission.
>
> This is not an argument lightly to be disregarded in favor of a Government armor plant, nor has it been overlooked, for instance, by Japan, which has erected its own armor-making plant and surrounded it with such secrecy that none of the other nations are able to tell whether or not at this minute the Japanese armor may not be superior to any other in existence. In addition to Japan, the French Government, after experimenting with a factory capable of producing only the lighter weights of armor, is enlarging its Government plant so as to permit of the production of thick plates, and Russia has had its own armor-plate factory for some time. In England the extortions of what is described in the English papers as the "armor ring," for there is every reason to believe that the agreement to maintain high prices among manufacturers is international, has resulted in agitation for a Government plant for that country which will probably be brought about in the next few years.
>
> As mentioned in my letter to the Senate, taking the highest estimate which has been submitted to me by the experts of the Bureau of Ordnance as the probable total cost price of Government-made armor, the Government can achieve a saving by the erection of a 10,000-ton-a-year plant of $1,061,360 per annum—

A saving each year of $1,061,360—

> after deducting 4 per cent as interest on the money used in erection and installation of plant, and $3,048,462 a year on the basis of a Government plant capable of producing 20,000 tons a year. If these figures are correct, as I believe them to be, and as Congress can easily ascertain for itself, I do not see how it is possible for Congress to justify to the people a refusal to erect a Government plant, nor how it can answer the charge that will invariably be brought up—that the same mysterious providence which saved this profitable business to the steel companies three times in the past, even after money for a Government plant had actually been appropriated, is not still at work exercising its beneficent protection over those lusty specimens of infant industries, who are even now under Government investigation as violators of the antitrust law.

Mr. President, it would seem unnecessary to say anything further on this matter. All the evidence upon the subject shows the overwhelming necessity for the erection of an armor-plate factory, and not a valid reason nor sound argument has been advanced against a Government factory. It has been demonstrated that the construction of such a factory would save the people of the United States at least $1,000,000 annually on the item of armor plate alone, to say nothing of the large sums

of money that might be saved annually on other materials and other articles of arms and armament, supplies, and equipment required in our Navy.

The history of the extortionate sums of money exacted of this Government for armor plate is almost incredible. It is admitted even by the manufacturers of armor plate that there is no competition among them. Repeated investigations have fully confirmed and established the truth of the assertions that our Government is paying extortionate prices for armor plate.

I therefore indulge the hope that the Naval Affairs Committee, composed as it is of some of the ablest, most resolute, and patriotic Members of the Senate, will bring out a bill authorizing the construction of an armor-plate factory in lieu of a further investigation.

Mr. President, I have detained the Senate longer than I should have done; but I felt that these things should not be left unsaid, and especially that they should not be left unsaid by me, because in April, May, June, and July I wearied the Senate, I might say, by repeated discussions of this question. How, then, could I permit the naval appropriation bill, carrying these large sums, and properly so, to pass by without a word of explanation, without a word of argument on the subject?

Mr. President, I ask unanimous consent that I may include in the RECORD as a part of my remarks appendices as follows: Two editorials regarding armor plate; an article by Charles Edward Russell in Pearson's Magazine, entitled "Patriotism for Profit"; a letter from the Secretary of the Treasury showing the sums of money, aggregating in all over $6,000,000,000, that have been spent by our Government in the past 15 years for war purposes; also a letter from the honorable Secretary of the Navy showing expenditures for armor plate since 1887.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

APPENDIX A.

[From Los Angeles Tribune, May 13, 1913.]

Senator ASHURST charges that this Government has paid to the Armor Trust, which is composed of the Carnegie, Bethlehem, and Midvale companies, not less than $45,000,000 in profits for the armor plate that went into the thirty-odd armored steel vessels and the armored cruisers. The charge is probable on its face, because the makers of armor are perhaps as tight a trust as exists. There is plenty of evidence that trusts which Carnegie, Morgan, Schwab, and their kind dominate get all they can for their wares.

It has always been a mystery to the layman why a first-class battleship or cruiser should cost eight to ten millions and upward, when there are few buildings on land—largely similar in construction, only set on end—of the most magnificent size and equipment that approach such a figure. The answer is to be found in the armor graft—we call it graft because it represents unfair profits—which typifies the excessive charges on the hundred kinds of supplies that go into a warship.

One of the most disgraceful chapters in American life is that detailing the methods of the harpy hosts that preyed on the necessities of our Government in the days when civil strife combined with foreign hostility to threaten its very existence. It is no less disgraceful in our days of prosperity that the trust capitalists who owe their fortunes to the protection of the Government are bleeding it without conscience.

The Government should make its own armor plate, as it makes its rifles at arsenals. * * *

APPENDIX B.

[From Telegram, Portland, Oreg., June 3, 1913.]

WRESTLING WITH THE ARMOR PLATE TRUST.

Senator ASHURST, of Arizona, has introduced a bill in the Senate by the terms of which $1,600,000 is to be appropriated for the construction of an armor-plate plant, to be owned and operated by the National Government. The purpose of the construction of this plant is to "bust" the Armor Plate Trust, and the method is to leave the conduct of the enterprise to a board of naval officers, who shall be selected as competent to manage the plant with efficiency and economy.

Naturally, the proposition will be denounced in certain quarters as socialistic and as an interference with private enterprise. It also will be argued that the Government will not be able to manufacture armor plate so cheaply as it is done by the private manufacturer, and there will be other various and usual objections to the Government going into business for itself when private enterprise is already engaged with profit in that very business.

But the fact appears that the Government is systematically held up in the purchase of armor plate; and the present Secretary of the Navy confesses that under the present system the holdup is unavoidable. In the first place, armor-plate plants must depend on the business which the Government gives them. Unless they can get this business year by year, they can not hope to operate, so the custom has been to invite bids and apportion the business among the various manufacturers, with the understanding that they accept the lowest figures submitted. One does not have to be blessed with a lively imagination to understand the outcome of this arrangement. It is only human nature, as expressed in business terms, that the manufacturers should bid with a knowledge of what the lowest figure was going to be. Genuine competition is eliminated by the very nature of the arrangement. The Government must really pay a monopoly price or make its own armor plate. In the monopoly price there is the element of profit which the Government would forego, and in addition to that the business would be rid of all scandal and free from all extortion.

APPENDIX C.

[From Pearson's Magazine, November, 1913, by Charles Edward Russell.]

PATRIOTISM FOR PROFIT.

WAR AND RUMORS OF WAR ARE SOMETIMES INSPIRED AND ALWAYS HELPED ALONG BY HIGHLY RESPECTABLE MEN WHO THUS ARE ENABLED TO TAKE MILLIONS OF DOLLARS YEARLY OUT OF THE PUBLIC POCKET—YOUR POCKET—MEN WHO, BY AGREEMENT AMONG THEMSELVES, CHARGE YOUR GOVERNMENT FOR ARMAMENT DOUBLE WHAT IT WOULD COST YOUR GOVERNMENT TO MAKE THE ARMAMENT. JUST HOW THIS SENSELESS WASTE OF YOUR MONEY IS PROMPTED AND JUST HOW IT IS GATHERED IS TOLD IN THE FOLLOWING VERY PLAIN NARRATIVE, WHICH TELLS THE SIMPLE TRUTH BY NAMING THE MEN'S NAMES AND EXPLAINING THE MEN'S METHODS.

When we are bombarded with thundering arguments for a big and a bigger navy; when in thrilling words the need of more battleships is brought home to us; when our broad, fair land is pictured without defense and about to be invaded by the ravening foe—how much of all this is the fervent outcry of patriotism upon the watch tower and how much is sheer thrift and good heed to profits and dividends?

Here is a plain, practical question for the times, but we in this country have never thought much about it. In Europe the case is different; in Europe, where, strange to say, every nation (according to the scare mongers) is in a state as defenseless and alarming as our own, the great public is beginning to think very seriously about this and similar questions. It has mighty good reasons for such unwonted exercise, because it pays for all the battleships and big guns, and now it is obliged to wonder what for. Certain investigations have revealed the money value in francs, marks, and pounds of a good, lively war scare; also the relations between a howling Chauvinist and the dividends of the armor makers. Now, this patient, long-enduring, always-paying public is beginning to inquire whether there is anything but dividend considerations in any of these alarms and tarentelles.

One man started all this row over there. On April 18 of this year Dr. William Liebknecht blew up his bomb of ugly facts in the German Reichstag, of which he is a distinguished member, and the European armor-plate grafters have hardly known an easy hour since. Dr. Liebknecht showed to the world the close connection between war news and big business; between the circulating of war rumors and the making and selling of guns and ammunition. The initiated had long known or suspected the outlines of this sordid and disgusting story; Dr. Liebknecht, with workmanlike thoroughness, supplied the details.

An important part of the management of the great armament factories abroad is to foster international disputes, to exaggerate international ill will, and to finance and encourage navy leagues, patriotic societies, and the screaming defense societies that perennially fill the air with clamor for more battleships and more lunacy. Dr. Liebknecht showed this. The great armament houses, allied with the great financial interests, exert upon cabinets, Governments, legislators, and newspapers a covert, abnormal and apparently irresistible power to keep up the supply of friction and thereby the market for great guns. Dr. Liebknecht showed this also.

The echoes of these things are still rolling around the Continent, and in spite of the government lid they take on a more and more sinister sound.

I have read in the reactionary press of America many superior comments on these painful facts, showing conclusively that in our own happy land nothing of the kind could occur. We have no Krupp scandals here, we are assured, and could have none. Here those that cheer for the Old Flag and an appropriation, or with bulging eyes of terror describe our defenseless state, are moved by only a pure and disinterested patriotism.

It is to those that may be minded to accept this placid view of the case that the following plain narrative is especially dedicated. It ought to be instructive to all of us that pay rent or eat food or buy anything, because it tells of a bill that we annually pay, but its spiritual significance is, first of all, for those that believe the situation in America is different from the situation in other countries where high finance has gone into the armament business.

About February 1, 1913, there appeared in a back advertising page of a Philadelphia newspaper called the Daily Item an advertisement 1 inch long and 1 column wide and set in small type, inviting bids for the furnishing of 8,000 tons of armor plate for the dreadnaught battleship *Pennsylvania*, now being built for the United States Navy. Bids were to be opened in Washington February 18.

It was a shrinking, modest little advertisement that seemed to be trying to hide itself in the crowd of big, bawling announcements all around it, but, small as it was, it had potent effect. In a few days appeared at the same hotel in Washington the president of the Carnegie Steel Co., the vice president of the Bethlehem Steel Co., and the vice president of the Midvale Steel Co., all large and well-favored institutions and familiar in the history of armor-plate profits in America. These gentlemen conferred, and on February 16 they submitted bids, each for his own company, to furnish the 8,000 tons of armor plate required for the *Pennsylvania*.

This is called competitive bidding for Government contracts, according to law.

When the bids were opened they were found not to vary by so much as $1 a ton, and by another coincidence not less remarkable the prices named were about $25 a ton greater than the Government had ever before paid for armor plate of this kind.

There were no other bids. There never are any other bids.

We in this country are an easy-going people. Ordinarily details of our Government are not for us; in the sublime presence of our private balance sheets, golf clubs, and automobiles we decline to be bothered with mere affairs of state. But a conjunction of facts so remarkable as these seems to have jarred even our unapproachable complacency, or some of it, and unadmiring comment was heard, culminating in a protest on the floor of the Senate.

Nevertheless, on March 3, 1913, only a few hours before he left office, Mr. George von L. Meyer, then Secretary of the Navy, and an eminent financier of whom you may have heard, signed up the contracts for the armor plate to be furnished by these three companies, bidding in this remarkable way and at these abnormal prices.

The armor would not be needed for a year, but Mr. Meyer signed for it anyway, about the last thing before he left his job.

Senator ASHURST, of Arizona, rose in his place and offered a resolution that embodied a protest against this remarkable proceeding. May 18 Senator ASHURST, undismayed, came back with his resolution again, and was once more gagged with the good old objection, but on May 22 he managed to get the floor for a few minutes and jammed into the

RECORD some vital facts that in another country would have caused a parliamentary investigation.

That was as far as he was allowed to go. Meantime the contracts stand and the companies are making the armor (and the profits) in these peculiar circumstances and at these huge profits, although the present Secretary of the Navy has not tried to conceal his belief that bidding of this kind is beyond defense.

It certainly is, for the reason that it merely represents gouge—gouge that in this case amounts to at least $1,600,000, shared among these three concerns. Respectable, legitimate, high-class, eminent, business-man gouge, I mean; not the common, low-browed variety that lands vulgar offenders in the penitentiary, but the fine old patriotic kind that can be practiced with impunity and is conveniently overlooked by the biographers when a captain of industry goes to his account.

Because the Government can very easily get this same armor plate for $254 a ton; which is $200 a ton less than these three companies are getting for it, and everybody in the Navy Department that knows a capstan from a marlin spike must know this fact perfectly well.

Eight thousand tons at $200 a ton of gouge is $1,600,000 of gouge in this one contract.

There is no particular mystery in Washington about this thing. Everybody on the inside knows about the armor-plate graft, and has known it (if he be old enough) for 25 years. In that time the United States Government has not made one reasonable contract for armor plate.

Here are the facts about this truly astonishing matter:

In 1883 we started in to build a modern Navy, having wearied of one whose chief function seemed to be to encourage superfluous humor. Having entered upon the international contest in augmenting the junk heap, we quickly showed that we could be as crazy as the best of them, bar none, and have a naval scrap pile before which no jingo American need feel the blush of shame. By 1887 we had reached a point in the race for the Bedlam stakes at which it was deemed necessary that we should send our ships on their way to the discard adorned with armor plate. Armor plate was all the rage in the world's most famous asylums, and should we confess our inferiority to the despicable foreigner?

But, alas, there wasn't a pound of armor plate in the country! Such was the lamentable fact. We had statesmen whose cheek would turn a 12-inch shell, and money-grabbers with impenetrable consciences, and national mutts and skulls that could not be pierced with diamond drills; but we didn't have enough armor plate to cover the back of your hand.

The emergency was grave. What should we do? Here were all the maniacs of the world shouting at us and inviting us to come inside with some armor plate. Of course, we just had to get some. Anybody can see that.

So Congress, that bright gathering of potent intellects, devised a way out of the perilous situation and saved the Nation. Some folks might say that if the United States needed armor plate the United States ought to make it. We were making some of the ships on which the armor plate was to be fitted, and the guns that would be poked through it, and why not also then this armor? But such persons were, of course, low demagogues and muckrakers and representatives of the riffraff, and Congress properly gave to them no heed. Instead it fixed up a deal with the Bethlehem Steel Co. by which the company put in a plant to make the armor plate, and then to repay it for the cost of installing this plant was allowed to overcharge more than 100 per cent for all the armor it made.

That is to say, the substance of this astounding deal was that the United States was to build the plant and make a present of it to the company and then the company was to charge the United States more than double price for all the armor produced by this plant.

Which is what it is doing to-day, after the United States has paid for the plant twenty-two times. You will find it difficult to beat this in the way of good, nervy grafting.

Mr. Andrew Carnegie was then actively engaged in conducting the Carnegie Steel Co., and, being then as now an eminent philanthropist, with an eye to the main chance, perceived at once that the Bethlehem people had a good thing, and rung himself in on it with a similar deal.

Whereupon contracts were let for armor plate for the monitors *Amphitrite*, *Monadnock*, *Puritan*, and *Terror*, the battleships *Texas* and *Maine*, and the coast-defense vessel *Monterey* at $574 and $604 a ton, the actual cost of producing this armor being about $200 a ton.

Out of these contracts alone the Bethlehem Co. received $1,554,000 in extra pay to compensate it for its plant, and the Carnegie Co. $914,252, which paid for each plant about twice.

The next time the Government wanted armor plate the price, from the plants for which it had already paid, rose to $646 a ton, and continued at or near those figures until an odd event brought it down, after we had paid for the plants nine times.

Some workingmen in the employ of the philanthropist made known the fact that the Carnegie Co. was swindling the Government it had already gouged. It was furnishing to that Government fraudulent armor—armor so badly made, so soft and spongy in spots that if a shell ever hit one of those spots it would slip through like a knife cutting cheese.

At this charge a chorus of most indignant denials filled the air. What! Would a company composed of our very best citizens and pillars of society and commerce stoop to such detestable things? No, indeed; and then, again, certainly not. But the wicked slanders persisted nevertheless, and low demagogues in Congress and elsewhere made an unseemly clamor, whereupon the Navy Department, just to show how baseless were these stories, ordered reports from the naval officers stationed as inspectors at the various armor-plate mills. These usually found the stories about defective armor to be baseless. But even this distinguished indorsement failed to silence the calumniators of true philanthropy. Therefore investigation was undertaken by a competent commission, which found that the charges were perfectly true. On 11 counts the commission found the Carnegie Co. guilty of repeatedly swindling the Government by palming off worthless armor for good.

It found, for instance, that worthless plate had been accepted, paid for, and placed on war vessels as follows:

On the *Amphitrite*, 4 plates.
On the *Terror*, 3 plates.
On the *Oregon*, 3 plates.
On the *Monterey*, 4 plates.
On the *Monadnock*, 6 plates.
On the *New York*, 8 plates.
On the *Olympia*, 3 plates.
On the *Indiana*, 6 plates.
On the *Massachusetts*, 4 plates.

Against the discovery and publication of these facts was exerted a great and secret influence. But for the persistence of a few newspapers, the most active of which was the New York World, the inquiry would have failed.

When the truth could be no longer concealed Mr. Carnegie's company was hauled up and fined $500,000 for frauds.

Then the same subtle and tremendous power that has so often appeared in these matters was exerted and President Cleveland, a short time before he went out of office, reduced the fine to $120 000.

Meantime the Government continued none the less to buy its armor plate of this convicted swindler, which had already made $5,000,000 of illegitimate profits on its armor-plate deals.

Quite a number of libraries would be required to balance this account.

To the investigation of these gigantic frauds the New York World had assigned a wise, skillful reporter named Montgomery Cutler. He secured the assistance of workingmen in the factory and gathered unassailable evidence that worthless armor was being palmed off upon the Government, notwithstanding that a high naval officer was stationed at the works and supposed to inspect rigidly every piece of armor sent out. This officer gave to the armor-plate company a clean acquittal. Nothing, according to his report, was wrong with that factory. Mr. Cutler found that this officer was a great social favorite in the city and particularly popular in the leading club, which was chiefly maintained by eminent gentlemen in the iron and steel way. If you are interested in the matter of power, you may care to note that when the Spanish War came on this officer, never much distinguished in the service, was, to the amazement of most observers, suddenly jumped to high command over the heads of many older men of greater experience, and throughout the war and afterwards an extraordinary influence seemed to support and sustain him.

But when the facts about the perilous armor frauds were proved and made public an unwonted clamor arose in the country. In those days we were even more indifferent than we are now to our national affairs. Nevertheless, even in those days the idea that we were paying an eminent philanthropist huge sums for armor plate that might ruin our costly new Navy finally did work itself into our minds and produced rather remarkable results there and elsewhere. The representatives of our best citizenship that were in charge of these looting armor-plate factories seemed for a long time to sing very small and in the fear of God, and the price of armor plate dropped overnight from $646 to $411 a ton, and at that figure for many months it remained.

But even at that figure it was a swindle and a fraud, and from time to time mutterings of discontent were heard in Congress—which is surprising, for in those days Congress was so well trained that ordinarily it would come right up and eat out of Mr. Carnegie's hand. Finally the Secretary of the Navy was requested in a gentlemanly way to look about him and see if he could devise any good reason why armor plate should cost $411 a ton. The job seems to have strained his intellect, but he finally turned in the following showing, which may be deemed one of the most amazing documents in the American collection:

TO MAKE 1 TON OF ARMOR PLATE.

Cost of labor and material	$196
Maintenance of plant (unexplained)	50
To bring this to a round number	4
Fifty per cent profit on this	125
Nickel	20
To bring this to a round number	5
Total	400
Swindle, therefore, only	11

Nickel is an indispensable factor in making armor plate.

The Naval Committee of the Senate does not seem to have been much impressed with this startling calculation, for it began an inquiry and made some figures of its own, thus:

Cost of labor and material	$168
Add for reforging	12
Maintenance of plant	30
Thirty-three and one-third per cent profit on this	70
Nickel	20
Total	300
Swindle	111
Price to the Government	411

Just why an armor-plate factory must make even 33⅓ per cent profit when the average man in business is glad to make 8 was a mystery that caused some inquiry in the Senate, probably among those that did not foresee the necessities of the philanthropic library. And then in the debate Mr. Carnegie's company had been called "robber rascals," "monopolists," "thieves," "pets of the Senate," and other terms that must have caused much pain to leading citizens and admired captains of industry, and the huge profit may have been regarded in the light of a necessary balm to hurt minds. Anyway, it stayed in the report.

The Naval Committee now proposed to fix the price of armor plate at $300 a ton, on the basis of this liberal estimate and allowing the manufacturers 33⅓ per cent profit. Did it succeed? Indeed it did not. The subtle influence was there again, and so were Matt Quay and a few other patriots of that kind, and the proposal was dropped.

So the price remained at $411 until the scare began to wear away. Then it was pushed up to $453 for some kinds of armor; then to $480; then to $508; and now for turret armor it is in the neighborhood of $700.

We are still paying every year for that old plant.

Since 1887, under conditions like these, the United States Government has purchased $83,000,000 worth of armor plate, about one-half representing pure graft.

I have been at pains to figure the lowest possible amount of gouge in each contract made since the Naval Committee's investigation, taking as a basis the committee's extravagant price of $300 a ton, and the table on the next page is the result for the three companies that get all this work. I have taken in each case the lowest figure paid for any armor on any vessel and calculated all the armor at that price, so that my totals, although they will seem astounding, are far under the truth.

The Carnegie Co. is openly a part of the United States Steel Corporation, the greatest possession of the great Morgan group, the center around which revolves the most powerful and indomitable influence in our affairs. The Bethlehem Co., it is well understood, is financed by Mr. Carnegie, the chief holder of the bonds of the United States Steel Corporation. The Midvale Co. came into the merry game in 1903, under the guise of competition at lower prices, until it was well under way, when it joined the combination and got its share of the gouge, as will be seen from the table in the next column.

The Bethlehem and Midvale companies maintained more or less the convenient supposition of an existence independent of the United States Steel, an arrangement of great practical use, particularly before congressional investigations. As a matter of fact, all of these companies are parts of the great steel interests that work together harmoniously

to control the entire iron and steel industry of the country. On trials and at public hearings much is made of the fact that they have different organizations, and, strange as it may seem, men are still to be found that are dull enough to be imposed upon by this device. However these organizations may be juggled and manipulated, every well-informed observer knows that the final control of all comes home and must come home to the same center where gather the reins of so many industries and the streams of so much capital, where already is owned or controlled more than one-fourth of all the wealth in the United States.

That is to say, to the Morgan group.

In 1897 the Senate found that the real ownership of the Bethlehem-Carnegie companies was practically the same although they made a feeble pretense of competing. So they do now. The Senate also found that these companies worked in collusion and divided the gouge. So they do now.

The amount of gouge or excessive profit secured by the three companies on each contract since 1897, when the Senate first investigated this subject.

THE BETHLEHEM CO.

Ship.	Year.	Tons furnished.	Price.	Gouge (lowest figures).
Alabama	1898	2,559	$411	$281,729
Maine (new)	1899	2,419	411	267,509
Ohio	1899	1,213	411	134,643
Florida	1899	514	411	57,954
Cheyenne	1899	514	411	57,054
Virginia	1899	1,948	411	216,228
West Virginia	1899	954	411	105,894
Nebraska	1899	3,332	411	369,852
Georgia	1899	3,332	411	369,852
Pittsburgh	1899	1,908	411	211,788
Colorado	1900	1,908	411	211,788
Maryland	1900	954	411	105,894
St. Louis	1900	365	411	40,515
Milwaukee	1900	731	411	81,141
Louisiana	1902	3,542	411	393,273
Washington	1902	2,190	411	243,090
Minnesota	1903	3,542	411	393,273
Kansas	1903	1,772	411	196,692
New Hampshire	1904	3,038	411	337,218
North Carolina	1904	1,921	411	213,231
South Carolina	1905	1,794	345	81,730
Delaware	1907	2,198	417	258,166
North Dakota	1907	1,382	416	168,312
Florida	1908	1,988	422	214,926
Utah	1908	1,154	421	184,571
Arkansas	1909	3,946	424	488,904
Wyoming	1909	648	440	90,720
Texas	1910	2,257	432	298,188
New York	1910	2,212	430	287,560
Oklahoma	1911	1,899	420	217,880
Nevada	1911	3,124	460	499,840

THE CARNEGIE CO.

Illinois	1898	1,153	$411	$127,983
Wisconsin	1899	2,559	411	284,049
Ohio	1899	1,214	411	134,754
Missouri	1899	2,409	411	267,399
Arkansas	1899	538	411	59,718
Virginia	1899	1,384	411	153,624
West Virginia	1899	954	411	105,894
Nevada	1899	538	411	59,718
California	1899	1,899	411	211,788
New Jersey	1900	3,332	411	369,852
Maryland	1900	954	411	105,894
Rhode Island	1900	3,332	411	369,852
South Dakota	1900	1,908	411	211,788
St. Louis	1900	365	411	40,515
Charleston	1900	731	411	81,141
Connecticut	1902	3,542	411	393,162
Tennessee	1902	2,190	411	233,090
Vermont	1903	3,543	411	393,273
Kansas	1903	1,772	411	196,692
Montana	1904	1,921	411	213,231
South Carolina	1905	1,865	345	83,925
Delaware	1907	2,491	416	291,956
North Dakota	1907	1,047	418	123,546
Florida	1907	977	422	119,194
Utah	1908	2,154	423	267,648
Arkansas	1098	1,998	420	131,760
Wyoming	1909	3,506	420	427,720
Texas	1909	2,207	431	289,117
New York	1910	2,323	426	292,498
Oklahoma	1910	591	460	36,560
Nevada	1911	4,540	420	544,800

THE MIDVALE CO.

Idaho	1903	3,090	$385	$262,650
Mississippi	1904	3,090	385	262,650
New Hampshire	1904	504	385	42,840
North Carolina	1904	269	385	22,865
Montana	1905	269	385	22,865
Michigan	1907	3,660	345	174,700
North Dakota	1908	2,259	416	262,034
Florida	1908	1,748	420	209,760
Utah	1909	1,380	418	162,840
Arkansas	1909	1,445	422	175,290
Wyoming	1910	2,341	421	285,285
Texas	1910	2,274	426	286,524
New York	1911	2,202	435	297,270
Oklahoma	1911	5,189	420	621,680

In 1897 the Senate found that all over the world the makers of armor plate were in one combination and charged all Governments the like extortionate prices. So they do now. "We found," says the CONGRESSIONAL RECORD of March 1, 1897, "that all the armor manufacturers in the world are in the same combination that these two American concerns are in—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government." So little does all this seem to have changed that the Navy Department prints in defense of our extravagant payments the fact that the European end of the combination is as rapacious as the American, and on August 8, 1913, before a committee of the English House of Commons, testimony was given about the English armor-plate combination that seemed a replica of our own bitter experience.

In England, as in Germany, it appeared that back of the armament combination was a financial combination, huge, international, and unassailable.

As it is with the making of our armor, so it is with the building of our ships. We have Government navy yards, maintained at great expense, to build and repair the Nation's vessels, and but for the periodical clamor of Congressmen whose districts include these yards we should never build anything in any of them. Because of the clamor a battleship or cruiser sometimes occupies the stocks in one of these yards. All the rest, by the overt connivance of the Navy Department, are built by private companies.

On the Atlantic the great contracts go to the Fore River Shipbuilding Co., at Quincy, Mass.; to William Cramp & Sons, Philadelphia; to the New York Shipbuilding Co., at Camden, N. J.; or to the Newport News Shipbuilding Co., at Newport News. Small vessels may be built by several minor concerns, including the Harlan & Hollingsworth Co., at Wilmington, Del., and Samuel L. Moore & Sons, Elizabethport, N. J.

On the Pacific the great contracts have gone chiefly to the Union Iron Works, San Francisco.

To show how true this is, I have here a list of battleships and armored cruisers built in recent years by these firms and the prices they received for the work. It is printed to show merely the division of contracts for the most important and profitable vessels of the Navy. Room is lacking for similar details about the smaller vessels:

William Cramp & Sons.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Indiana	1890	$5,533,708
Massachusetts	1890	5,401,844
Iowa	1892	5,162,587
Alabama	1896	4,077,010
Maine	1898	4,567,464
Idaho	1903	4,797,675
Mississippi	1903	4,740,800
South Carolina	1905	5,669,186
Wyoming	1909	7,647,902
ARMORED CRUISERS.		
Brooklyn	1892	3,944,820
Saratoga	1888	3,897,840
Colorado	1900	4,831,941
Pittsburgh	1899	4,857,086
Tennessee	1902	5,203,701

This company is now building one gunboat, one submarine, and four torpedo boat destroyers.

New York Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Kansas	1903	$6,200,929
New Hampshire	1904	5,976,236
Michigan	1905	5,693,609
Utah	1908	6,832,392
Arkansas	1911	7,785,602
ARMORED CRUISER.		
Washington	1902	5,190,782

This company is now building two torpedo-boat destroyers and a first-class battleship.

Newport News Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Kearsarge	1895	$4,429,890
Kentucky	1895	4,418,094
Illinois	1896	4,073,429
Missouri	1898	4,438,925
Louisiana	1902	6,065,531
Minnesota	1903	6,149,874
Virginia	1899	5,491,036
Delaware	1906	6,821,015
Texas	1910	.....
ARMORED CRUISERS.		
Maryland	1900	4,874,874
West Virginia	1899	4,885,216
North Carolina	1904	4,779,380
Montana	1904	4,781,089

This company is now building, with other ships, one first-class battleship, two colliers, and one submarine.

The Fore River Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Vermont	1903	$6,166,267
New Jersey	1900	5,385,805
Rhode Island	1900	5,360,125
North Dakota	1907	7,244,549
Nevada	1911	.....

This company is now building, with other ships, two torpedo-boat destroyers and four submarines. It has built 15 of the submarines.

Union Iron Works.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Oregon	1890	$5,914,021
Wisconsin	1896	4,162,617
Ohio	1898	4,475,375
ARMORED CRUISERS.		
California	1899	4,713,274
South Dakota	1908	4,735,160

This company is building or has lately completed five more submarines.

As before, who owns these companies that rake off all these good things?

Well, the Bethlehem Steel Co. owns the Union Iron Works outright, also the Harlan & Hollingsworth Co. and Samuel L. Moore & Sons.

William Cramp & Sons is a Morgan concern, pure and simple. It is controlled by a Morgan voting trust composed of E. T. Stotesbury, who is the leading member of the Morgan firm in Philadelphia, and George F. Baer, who is the Morgan factotum in the peculiar operation of the Philadelphia & Reading.

The Fore River Co. is classed as a United States Steel concern, the two companies having an interlocking directorate through Mr. Robert Winsor, who is a director in both. The most influential owners of Fore River are also active in financial and other enterprises that represent the New England interests of the Morgan group. But, obviously, all these companies must in practice be allied, if not actually and frankly affiliated. To conduct a great shipbuilding plant requires a great capital, and great capital for an enterprise unfriendly to the central controlling groups could not be obtained in these days. This fits again with the fact that the whole iron and steel business of the country is a Morgan gronp enterprise. Shipbuilding is a branch of the steel business; and a company independent of the dominant forces could not possibly operate in iron and steel. Hence the beautiful harmony. As for instance:

When a battleship contract is to be let on the Atlantic coast, the shipbuilding companies seem to be endowed with such clairvoyant powers as we have remarked in the cases of the armor-plate concerns that are also members of the same agreeable family. The bids always manage to fall out that the good things are apportioned neatly among the companies, and all are kept in the goodly way of profits. In the interest of steady dividends, it is desirable that the United States shall authorize two battleships and two armored cruisers (or the equivalent thereof) each year. A simple device in adjusting the bids keeps these distributed and all the yards busy. If one yard bids $5,830,082 for the first battleship and $5,930,082 for the second, while the next yard bids $5,930,082 for the first battleship and $5,830,082 for the second, it is apparent that each will get a contract and be happy. Keep the contracts in the family and save money is the motto of the group; and by some amusing trick of speech the legerdemain that is performed on these contracts is called competitive bidding.

The worst troubles that befall this happy family come when some one arises in Congress and points out that all the battleships are unnecessary and foolish, being doomed in 10 years to the junk heap. Then Congress tries to authorize but one of these colossal toys instead of two. Upon the head of such a rude disturber of the family peace all the Morganized press and the newspapers friendly to our best citizenship pour endless ridicule and abuse, the Navy League volleys and thunders, and a large, efficient, and discreet lobby works industriously at the back door.

Generally these powerful and patriotic influences succeed in saving the Nation by restoring that other battleship—for the glory of the flag and the profits of the poor but undeserving financiers.

The country's defenseless condition is at all times the favorite theme of many of these newspaper guardians of the commonweal. Even when the extra battleship has been secured and you might think that all was well with us these sentinels upon the watchtower refuse to take a cheerful view of life. True, we are to have another battleship or two; but what if we are? Just look at our coast defenses. Not a big gun there worth talking about, not a fortification worthy of the name; Absequam unprotected and Egg Harbor without a gun. At any moment the Japanese are likely to descend upon Lumtiloo Creek, and then where shall we be? Scanning the horizon, the editors see daily fresh fleets of hostile nations in the offing, and the whole country at their mercy—an imminent peril from which we have no chance of rescue unless Congress will make haste to pass some more appropriations and order yet more vessels, to be built as above indicated.

Current events, or what purport so to be, lend to these journals the ready instances wherewith to point the moral of their appeals. Every week with them produces its fresh scare. Now it is Magdalena Bay, upon which the devilish Japanese are declared to have some depraved designs that will bring ruin upon us all. Nobody knows where or what is Magdalena Bay, but with the assistance of an inquiry in Congress and some ardent editorials the thing can be made to look of overwhelming importance, and the machinations of the devilish Japanese to be of the deadliest. Therefore we must have more battleships. When this bugaboo has been worked to the limit, the designs of Germany on South America are disclosed as the intolerable menace to our peace and prosperity. Remedy—more battleships. After this the European Governments are found to be meditating the mischief and all in Mexico. Ergo, more battleships. At the subsidence of this nightmare Great Britain mounts a new gun at Bermuda and the whole blessed Monroe doctrine is in peril. Nothing can save us but more battlesnips.

The inspiration for many of these utterances about the battleship and armament situation is a curious and active institution in Washington called the Navy League. I have once before referred to it in these annals, and with good reason, for its functions seem to be persistent and important. It occupies a corner suite in the handsome Southern Building, whence it pours forth a stream of literature and appeals calling upon the Nation to rise and arm itself with a great big Navy ere it shall be too late and the heel of the hated foe shall be upon our prostrate necks, or thereabouts. The avowed purposes of this organization are of the purest patriotism, but it seems to have more money and less difficulty in financing itself than any other patriotic society of which we have record. The annual dues are $2, which, according to human experience, will not go very far in hiring expensive rooms, employing staffs of clerks, and publishing beautiful pamphlets, unless the membership happens to be very large, which certainly is not the case here. But a difficulty that has swamped many another organization has no apparent terrors for the prosperous Navy League.

Occasionally this concern gives elaborate banquets and invites thereto the Secretary of the Navy, the Secretary of War, Senators, Representatives, and many other eminent and influential persons, to whom skilled orators picture our defenseless condition in a way that would strike terror to the hearts of the bravest. At these feasts the fact is always made perfectly clear that nothing can save us but battleships and a big appropriation. Since with dues of $2 a year the ordinary society can not give much of a banquet to speak of, the origin of the funds to provide these chaste affairs has long been a subject of speculation in Washington, but not, I may say, among those that have studied the list of the league's officers.

Among the literature distributed freely by this organization is a reprint of a magazine article written by an English cave man named Harold F. Wyatt and bearing the pleasant title "God's Test War." The theme of this surviving savage is that war is divinely ordained, and therefore a pious undertaking, not to be opposed or questioned except by atheists and the totally depraved. It is, in fact, the means by which God corrects His own mistakes, sifting out the efficient from the inefficient among the human beings He has created, and putting the inefficient out of the way; wherefore the true business of His children, as you can readily see, is to kill one another. This line of argument seems to be held very convincing for more battleships and a big appropriation—to be distributed, of course, according to the table to be found on a foregoing page

The mission of the league, according to its own announcement, is to further the ends of patriotism. Mr. J. Pierpont Morgan was, until his death, one of the directors and intensely interested in the league's work, to which he was a liberal contributor. This is all the more interesting, because in the course of a long career it happens to be the only manifestation of patriotism Mr. Morgan ever made, and suggests that the appeal of the league must be indeed of a very moving kind.

Mr. Morgan was not only intensely interested in the league himself, but he seems to have been able to arouse a similarly keen and vivid interest in gentlemen associated with him.

Mr. Herbert L. Satterlee, for instance, is general counsel for the league. Mr. Satterlee is a son-in-law and an heir of Mr. Morgan.

Gen. Horace Porter is the president of the league. He was for many years an officer of the Pullman Co., which is a Morgan corporation.

Mr. Charles C. Glover is treasurer of the league. He is president of the Riggs National Bank, which is closer to Wall Street than any other bank in Washington.

Col. Robert M. Thompson is chairman of the executive committee of the league. He is an eminent financier of New York, whose great interests generally coincide with the colossal undertakings of the Morgan group. He is also the head (being chairman of the board) of the International Nickel Co., and holds the honorable post of president of the New York Metal Exchange.

Mr. J. Frederick Tams is a director of the league. He is a New York society and yachting man, a friend of Mr. Morgan and a member of Mr. Morgan's yacht club.

Mr. George von L. Meyer is a director of the league. Mr. Meyer, as already noted, was Secretary of the Navy in the Taft administration, and on March 3 signed the remarkable contract for the *Pennsylvania's* armor that has been the subject of unpleasant comment in Congress and elsewhere. About these Mr. Meyer has seemed not to be disturbed—possibly because he has so many other things on his mind. Mr. Meyer is a gentleman of large and varied interests, most of them financial, and well known in our highest business circles. He is a considerable stockholder in the New Haven Railroad, which is a Morgan concern, and he is interested in financial institutions in Boston and elsewhere that were understood to be sympathetic with Mr. Morgan's aims when he was alive. Mr. Meyer is also a director in the Amoskeag Manufacturing Co. at Manchester, N. H. Another associate of his on the board of the Amoskeag is Mr. F. C. Dumaine, who helped Mr. Morgan to incorporate the Boston Railroad Holding Co. by which the New Haven was enabled to hold the Boston & Maine in spite of certain provisions of the Massachusetts law. Mr. Dumaine is also a director of the Fore River Shipbuilding Co., which is on friendly terms with the Morgan group and affiliated with the United States Steel.

With a board of directors containing all these wise and experienced men that are on terms of friendship with our greatest captains of industry, our defenseless condition may be believed to be in safe hands and the activities of the Navy League to be unremitting.

Senator ASHURST is now trying to get a Government armor-plate factory established so that the Treasury may be spared further payment of such toll to the three armor-plate companies as appears in the startling table printed on a foregoing page. Speaking of patriotism, this would seem to be about as patriotic as anything going. Also, speaking of battleships, it would seem to be exceedingly pertinent since for the amounts gouged by the three companies the United States could build eight first-class vessels of this kind But, strange to say, Senator ASHURST'S project has received not one word of encouragement from that eminent champion of patriotism and battleships, the Navy League.

The patriotic Morgan group has been silent, the eagle eyes that perceive our defenseless condition have turned upon the Senator's project only the frigid stare of disapproval. Not a word of help comes from the watchtower, not an approving editorial from the fervent press.

For this amazing silence there may be reasons the world knows not of. Meantime we may at least fix our gaze upon the undeniable fact that since 1887 the United States Government has expended $83,000,000 for armor plate, of which at least one-half has been pure gouge. Which, to some minds, will be reason enough.

No; we have no Krupps in this country. That is perfectly true. And one may say that so long as our blessed groups retain their health and vigor we shall need none. Also we have no Liebknechts in Congress; but that we need none will probably appear far from certain to anyone that will read this plain story.

APPENDIX D.

TREASURY DEPARTMENT,
Washington, February 19, 1914.

Hon. HENRY F. ASHURST,
United States Senate.

DEAR SIR: I am in receipt of your communication of the 13th instant, requesting information as to the appropriations made for Army and Navy purposes, fortifications, pensions, etc., during the fiscal years 1899 to 1914, inclusive.

In reply thereto I inclose a statement covering your inquiries compiled from the records of the Treasury Department.

Very truly, yours,

C. S. HAMLIN, *Assistant Secretary.*

APPENDIX E.

Statement of appropriations made for Army purposes, fortifications, rivers and harbors, Navy purposes, and pensions, during the several sessions of Congress providing appropriations therefor, and covering the fiscal years 1899 to 1914, inclusive.

Fiscal year.	Military establishment proper.	Fortifications.	Other Army purposes.	Rivers and harbors.	Naval establishment.	Pensions.
1899	$241,515,830.02	$14,500,600.00	$8,941,860.55	$15,966,818.71	$107,341,537.03	$141,498,503.27
1900	82,781,409.54	4,852,502.00	8,978,478.10	25,278,737.41	51,076,682.34	145,233,830.00
1901	116,290,335.19	7,302,782.79	12,123,281.25	17,296,177.99	66,169,132.96	145,245,554.35
1902	118,476,605.69	7,242,944.00	9,937,623.95	8,428,256.42	84,649,732.22	145,260,350.00
1903	93,839,347.50	6,987,762.06	20,542,217.07	34,081,258.00	87,047,910.72	140,053,467.00
1904	83,038,651,63	7,067,473.22	19,792,573.43	21,611,474.29	87,480,239.85	139,931,325.00
1905	79,696,416.38	7,264,473.97	14,954,442.87	12,236,759.25	106,049,189.96	142,520,881.00
1906	73,576,742.99	6,648,952.97	13,156,269.26	28,105,473.31	118,027,675.42	142,750,307.00
1907	74,364,857.14	4,938,550.00	18,518,536.80	19,495,887.53	107,759,366.03	143,746,106.15
1908	86,820,759.04	6,824,045.79	17,594,101.59	45,271,661.24	100,281,294.87	147,143,063.00
1909	106,623,120.10	9,265,896.78	15,682,260.46	20,248,626.51	131,804,217.86	173,053,298.58
1910	111,862,968.53	8,095,211.00	17,699,750.29	31,478,959.32	141,924,215.87	160,908,587.00
1911	103,754,887.91	5,617,200.00	14,877,489.24	51,660,609.72	135,593,375.49	155,758,374.00
1912	99,648,840.29	5,473,707.00	11,748,030.10	33,604,404.89	131,809,215.27	156,186,584.00
1913	98,326,379.85	4,036,235.00	12,579,007.59	46,265,236.52	128,182,294.63	165,146,470.24
1914	103,320,019.75	5,218,250.00	11,264,450.39	53,632,396.89	145,993,751.89	195,400,279.00
Total	1,673,337,171.55	111,396,678.58	228,327,372.94	464,602,737.91	1,731,199,832.41	2,439,836,979.59

Grand total, $6,648,700,772.98.

APPENDIX F.

DEPARTMENT OF THE NAVY,
Washington, June 13, 1913.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your telephone inquiry of yesterday morning as to the amount of money expended by the Navy Department for armor plate, the following is a statement showing the amounts expended to date:

Since 1887, to Carnegie Steel Co., Pittsburgh, Pa	$30,844,153.56
Since 1887, to Bethlehem Steel Co., South Bethlehem, Pa	34,215,112.58
Since 1903, to Midvale Steel Co., Philadelphia, Pa	12,044,217.41
Total	77,103,483.55

Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 60, line 7, after the word "authorized," to insert "to be available until expended," and in line 8, after the word "expended," to strike out "$36,656,734" and insert "$36,456,734," so as to make the clause read:

Total increase of the Navy heretofore and herein authorized, to be available until expended, $36,456,734.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. THORNTON. I now ask that the naval appropriation bill may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, and it was thereupon signed by the Presiding Officer as Acting President pro tempore of the Senate.

EXECUTIVE SESSION.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 28, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1914.

POSTMASTERS.

KENTUCKY.

Albert Doom, Kuttawa.
J. Ray Graham, Fulton.
John A. Hines, Wickliffe.
John G. Roberts, Bardwell.
George W. Snyder, Warsaw.

MASSACHUSETTS.

James H. Creedon, Middleboro.
John M. Hayes, North Abington.

PENNSYLVANIA.

Stanley Diopreski, Nanticoke.
Martin Klingler, Allentown.

VERMONT.

Ector P. Gobie, Woodstock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 27, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, whose boundless love searcheth the hearts of Thy children and purgeth them from sin and iniquity, fill our hearts completely, that we may be free from guile, from self-seeking; that we may rise to the dignity Thou hast bestowed upon us, and work the works of righteousness; growing wise and strong and pure, that the peace that passeth understanding may be ours; in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLLECTOR OF CUSTOMS, OMAHA—CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. FITZGERALD, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 6867) to increase and fix the compensation of the collector of customs for the customs collection district of Omaha, and the same was referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WINGO. Mr. Speaker, I move to dispense with the proceedings under Calendar Wednesday for to-day.

The SPEAKER. The gentleman from Arkansas moves that the House dispense with the proceedings under Calendar Wednesday for this day.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 7, noes 45.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum voting or present.

The SPEAKER. The gentleman makes the point of order that no quorum is present. Evidently there is not. The Doorkeeper will lock the doors, and the Clerk will call the roll.

Mr. GARDNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. If the motion of the gentleman prevails, what is the regular order?

The SPEAKER. The call of committees.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. If we dispense with Calendar Wednesday for the day, then the special rule under which the House is operating, which excludes everything except Calendar Wednesday, will be in force, will it not?

The SPEAKER. The Chair thinks not. It is some time since the Chair read that rule, but the Chair thinks it excepts Calendar Wednesday and everything connected with it. The Chair ruled that way last night as to adjournment. The Clerk will call the roll.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. I understand that the carrying of the gentleman's motion would really give us the call of committees, which is the thing we have Calendar Wednesday for.

The SPEAKER. No; it would not give the Calendar Wednesday call, but the ordinary House call.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. WINGO. I withdraw the point of order.

Mr. MANN. It is too late to withdraw the point of order.

The SPEAKER. The Chair will look at the special order to see exactly what it provides——

Mr. MANN. That is a matter that will come up afterwards. I ask for the regular order.

The SPEAKER. The Clerk will call the roll. Those in favor of dispensing with Calendar Wednesday for to-day will answer "aye," those opposed "no."

The question was taken; and there were—yeas 13, nays 257, answered "present" 6, not voting 157, as follows:

YEAS—13.

Bathrick	Kindel	Talcott, N. Y.	Wingo
Burke, Wis.	Mapes	Taylor, Ark.	
Doolittle	Patton, Pa.	Thomas	
Hart	Stevens, N. H.	Underhill	

NAYS—257.

Abercrombie	Carr	French	Johnson, Utah
Adair	Cary	Gallagher	Keating
Adamson	Casey	Gard	Kelly, Pa.
Aiken	Chandler, N. Y.	Gardner	Kennedy, Iowa
Alexander	Church	Garner	Kennedy, R. I.
Allen	Cline	Garrett, Tex.	Kent
Anderson	Coady	Gerry	Key, Ohio
Ashbrook	Collier	Gillett	Kinkaid, Nebr.
Aswell	Connelly, Kans.	Gilmore	Kinkead, N. J.
Avis	Conry	Good	Kitchin
Bailey	Cooper	Goodwin, Ark.	Korbly
Baker	Cox	Gordon	Kreider
Baltz	Crosser	Graham, Ill.	La Follette
Barkley	Cullop	Graham, Pa.	Lazaro
Barnhart	Curry	Gray	Lee, Ga.
Bartlett	Danforth	Green, Iowa	Lee, Pa.
Barton	Davis	Greene, Mass.	Lesher
Beakes	Decker	Greene, Vt.	Lever
Beall, Tex.	Deitrick	Gregg	Lewis, Pa.
Bell, Cal.	Dent	Hamlin	Lieb
Blackmon	Dershem	Hammond	Lloyd
Booher	Dickinson	Hardy	Lobeck
Borchers	Dillon	Harris	Lonergan
Bowdle	Dixon	Harrison	McAndrews
Britten	Donohoe	Haugen	McClellan
Brockson	Donovan	Hawley	McDermott
Brodbeck	Doughton	Hay	McGillicuddy
Brown, N. Y.	Drukker	Hayden	MacDonald
Brown, W. Va.	Dupré	Hayes	Maguire, Nebr.
Browne, Wis.	Eagan	Heflin	Mitchell
Bryan	Eagle	Helgesen	Mondell
Buchanan, Ill.	Edmonds	Henry	Montague
Buchanan, Tex.	Esch	Hensley	Moon
Bulkley	Falconer	Hinds	Moore
Burgess	Fergusson	Hinebaugh	Morgan, La.
Burke, S. Dak.	Ferris	Holland	Morgan, Okla.
Burnett	Fess	Houston	Moss, W. Va.
Butler	Fitzgerald	Howard	Murdock
Byrnes, S. C.	FitzHenry	Howell	Murray, Okla.
Byrns, Tenn.	Foster	Hughes, Ga.	Neeley, Kans.
Candler, Miss.	Fowler	Hulings	Nolan, J. I.
Caraway	Francis	Humphrey, Wash.	Norton
Carew	Frear	Igoe	O'Brien
Oglesby	Reed	Stedman	Vaughan
Oldfield	Reilly, Wis.	Steenerson	Vollmer
O'Shaunessy	Roberts, Mass.	Stephens, Cal.	Volstead
Page, N. C.	Roberts, Nev.	Stephens, Tex.	Walker
Park	Rothermel	Stevens, Minn.	Walsh
Patten, N. Y.	Rubey	Stone	Walters
Payne	Rucker	Stout	Watkins
Peters, Mass.	Rupley	Stringer	Weaver
Peters, Me.	Russell	Sumners	Webb
Peterson	Sabath	Sutherland	Whaley
Phelan	Scott	Talbott, Md.	White
Plumley	Seldomridge	Tavenner	Williams
Post	Shackleford	Taylor, Colo.	Wilson, Fla.
Pou	Sherwood	Taylor, N. Y.	Winslow
Powers	Sims	Thacher	Witherspoon
Prouty	Sinnott	Thompson, Okla.	Woodruff
Quin	Sisson	Thomson, Ill.	Woods
Ragsdale	Small	Towner	Young, N. Dak.
Rainey	Smith, Idaho	Townsend	Young, Tex.
Raker	Smith, Md.	Treadway	
Rauch	Smith, Saml. W.	Tribble	
Rayburn	Stafford	Tuttle	

ANSWERED "PRESENT"—6.

Cantor	McKenzie	Mann	Metz
Guernsey	Madden		

NOT VOTING—157.

Ainey	Fairchild	Kelley, Mich.	Palmer
Ansberry	Falson	Kennedy, Conn.	Parker
Anthony	Farr	Kettner	Platt
Austin	Fields	Kiess, Pa.	Porter
Barchfeld	Finley	Kirkpatrick	Reilly, Conn.
Bartholdt	Flood, Va.	Knowland, J. R.	Riordan
Bell, Ga.	Floyd, Ark.	Konop	Rogers
Borland	Fordney	Lafferty	Rouse
Broussard	Gallivan	Langham	Saunders
Browning	Garrett, Tenn.	Langley	Scully
Bruckner	George	L'Engle	Sells
Brumbaugh	Gittins	Lenroot	Sharp
Burke, Pa.	Glass	Levy	Sherley
Calder	Godwin, N. C.	Lewis, Md.	Shreve
Callaway	Goeke	Lindbergh	Slayden
Campbell	Goldfogle	Liudquist	Slemp
Cantrill	Gorman	Linthicum	Sloan
Carlin	Goulden	Loft	Smith, J. M. C.
Carter	Griest	Logue	Smith, Minn.
Clancy	Griffin	McCoy	Smith, N. Y.
Clark, Fla.	Gudger	McGuire, Okla.	Smith, Tex.
Claypool	Hamill	McKellar	Sparkman
Connolly, Iowa	Hamilton, Mich.	McLaughlin	Stanley
Copley	Hamilton, N. Y.	Mahan	Stephens, Miss.
Covington	Hardwick	Maher	Stephehns, Nebr.
Cramton	Helm	Manahan	Switzer
Crisp	Helvering	Martin	Taggart
Dale	Hill	Merritt	Taylor, Ala.
Davenport	Hobson	Miller	Temple
Dies	Hoxworth	Morin	Ten Eyck
Difenderfer	Hughes, W. Va.	Morrison	Underwood
Dooling	Hull	Moss, Ind.	Vare
Doremus	Humphreys, Miss.	Mott	Wallin
Driscoll	Jacoway	Murray, Mass.	Watson
Dunn	Johnson, Ky.	Neely, W. Va.	Whitacre
Dyer	Johnson, S. C.	Nelson	Willis
Edwards	Johnson, Wash.	O'Hair	Wilson, N. Y.
Elder	Jones	O'Leary	
Estopinal	Kahn	Padgett	
Evans	Keister	Paige, Mass.	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. GLASS with Mr. SLEMP.

Mr. CALLAWAY with Mr. MERRITT.

Mr. GUDGER with Mr. GUERNSEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. MCKENZIE with Mr. HELM.

Mr. REILLY of Connecticut with Mr. AUSTIN.

Mr. FIELDS with Mr. LANGLEY.

Mr. JOHNSON of Kentucky with Mr. MADDEN.

Mr. ROUSE with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. SWITZER.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SPARKMAN with Mr. SLOAN.

Mr. SHERLEY with Mr. WILLIS.

Mr. WATSON with Mr. SMITH of Minnesota.

Mr. BELL of Georgia with Mr. AINEY.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. CARLIN with Mr. ANTHONY.

Mr. CARTER with Mr. CALDER.

Mr. CLARK of Florida with Mr. CAMPBELL.

Mr. CLAYPOOL with Mr. CRAMTON.

Mr. COVINGTON with Mr. DUNN.

Mr. DAVENPORT with Mr. DYER.

Mr. DIES with Mr. GRIEST.

Mr. DIFENDERFER with Mr. FARR.
Mr. DOREMUS with Mr. HAMILTON of Michigan.
Mr. DRISCOLL with Mr. JOHNSON of Washington.
Mr. EDWARDS with Mr. KAHN.
Mr. ESTOPINAL with Mr. KEISTER.
Mr. FINLEY with Mr. KELLEY of Michigan.
Mr. FLOOD of Virginia with Mr. KIESS of Pennsylvania.
Mr. GEORGE with Mr. J. R. KNOWLAND.
Mr. GODWIN of North Carolina with Mr. LANGHAM.
Mr. GOEKE with Mr. LINDQUIST.
Mr. GOLDFOGLE with Mr. MCGUIRE of Oklahoma.
Mr. HARDWICK with Mr. MCLAUGHLIN.
Mr. HELVERING with Mr. MANAHAN.
Mr. HULL with Mr. MILLER.
Mr. HUMPHREYS of Mississippi with Mr. MONDELL.
Mr. JACOWAY with Mr. MORIN.
Mr. JOHNSON of South Carolina with Mr. NELSON.
Mr. L'ENGLE with Mr. MOTT.
Mr. LEVY with Mr. PAIGE of Massachusetts.
Mr. MCCOY with Mr. PARKER.
Mr. MCKELLAR with Mr. PLATT.
Mr. MORRISON with Mr. PORTER.
Mr. MURRAY of Massachusetts with Mr. ROGERS.
Mr. O'HAIR with Mr. SELLS.
Mr. PALMER with Mr. VARE.
Mr. PADGETT with Mr. SHREVE.
Mr. RIORDAN with Mr. TEMPLE.
For 10 days:
Mr. HILL with Mr. COPLEY.

Mr. MANN. Mr. Speaker, I voted "no," but I have a pair with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw that vote and to answer "present."

The result of the vote was then announced as above recorded.

The Doorkeeper was directed to open the doors.

The SPEAKER. The Chair wishes to state that in answer to the parliamentary inquiry by the gentleman from Arkansas [Mr. WINGO], and also the parliamentary inquiry of the gentleman from Washington [Mr. BRYAN], not having read the rule for some time, the Chair made an incorrect ruling as to what would happen if the affirmative of this vote had prevailed. Here is the language of the rule:

> The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday—

And so forth.

Of course, that question will not arise very often under that rule, although it may arise next Wednesday.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. This is Calendar Wednesday. The unfinished business is H. R. 15578, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WATKINS. Mr. Chairman, on last Wednesday unanimous consent was given to return to sections 67, 68, and 69, for the purpose of making a motion to strike out the three sections and substitute three sections in lieu thereof. In making the entry the clerk inadvertently, on page 8905 of the RECORD, states that the amendment is offered to page 35, line 8, when it should be page 36, line 8. For the purpose of getting the RECORD straight and letting the membership of the House understand the situation I will move now, after having returned to these sections, to strike out those sections and substitute therefor the new sections. Section 67 will be found on page 8903 of the RECORD. Section 68 on page 8905 of the RECORD and section 69 on page 8906 of the RECORD. I ask that those three sections which are to be offered for the original sections be now read.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Are these amendments offered and to be considered separately, or all together?

Mr. WATKINS. Upon the suggestion of the gentleman from Illinois I have offered them all together, because they are all on the same subject matter.

Mr. MANN. I have no objection, but the gentleman must have unanimous consent to have them considered together.

Mr. WATKINS. I do not think that is necessary, because I asked unanimous consent last Wednesday, and it was granted.

Mr. MANN. The request of last Wednesday was that the gentleman might offer the amendments and have them pending.

Mr. WATKINS. There was no objection last Wednesday, although there may be to-day.

Mr. MANN. I do not care how they are considered, but I make this parliamentary inquiry of the Chair: Are these offered as one amendment or three separate and distinct amendments?

The CHAIRMAN. The Chair understands that they are offered by unanimous consent as one amendment.

Mr. MANN. The Chair considers it as one amendment.

The CHAIRMAN. Yes; by unanimous consent. The Clerk will read the amendments.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"SEC. 67. That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto: *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Labor a clerk of any United States court collecting naturalization fees in excess of $6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of $3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, except in case of mileage allowance and per diem compensation when clerks are attending court at places other than their official residence, as provided in section 66 of this act."

Page 36, line 8, strike out the section, and insert in lieu thereof the following:

"SEC. 68. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

"For the northern district of the State of Alabama, $4,500.
"For the southern district of the State of Alabama, $3,500.
"For the middle district of the State of Alabama, $3,500.
"For the district of the State of Arizona, $3,000.
"For the eastern district of the State of Arkansas, $4,000.
"For the western district of the State of Arkansas, $3,000.
"For the northern district of the State of California, $4,500.
"For the southern district of the State of California, $4,500.
"For the district of the State of Colorado, $4,500.
"For the district of the State of Connecticut, $3,000.
"For the district of the State of Delaware, $2,500.
"For the northern district of the State of Florida, $3,000.
"For the southern district of the State of Florida, $4,000.
"For the northern district of the State of Georgia, $4,500.
"For the southern district of the State of Georgia, $4,000.
"For the district of the State of Idaho, $3,000.
"For the northern district of the State of Illinois, $4,500.
"For the southern district of the State of Illinois, $4,000.
"For the eastern district of the State of Illinois, $4,000.
"For the district of the State of Indiana, $4,500.
"For the northern district of the State of Iowa, $3,000.
"For the southern district of the State of Iowa, $4,500.
"For the district of the State of Kansas, $4,500.
"For the eastern district of the State of Kentucky, $4,500.
"For the western district of the State of Kentucky, $4,500.
"For the eastern district of the State of Louisiana, $4,500.
"For the western district of the State of Louisiana, $4,000.
"For the district of the State of Maine, $4,500.
"For the district of the State of Maryland, $3,500.
"For the district of the State of Massachusetts, $4,500.
"For the eastern district of the State of Michigan, $3,500.
"For the western district of the State of Michigan, $3,500.
"For the district of the State of Minnesota, $4,500.
"For the northern district of the State of Mississippi, $3,500.
"For the southern district of the State of Mississippi, $4,000.
"For the eastern district of the State of Missouri, $4,500.
"For the western district of the State of Missouri, $4,500.
"For the district of the State of Montana, $3,500.
"For the district of the State of Nebraska, $4,500.
"For the district of the State of Nevada, $2,500.
"For the district of the State of New Hampshire, $2,500.
"For the district of the State of New Jersey, $4,500.
"For the district of the State of New Mexico, $3,000.
"For the northern district of the State of New York, $4,500.
"For the southern district of the State of New York, $4,500.
"For the eastern district of the State of New York, $4,500.
"For the western district of the State of New York, $4,500.
"For the eastern district of the State of North Carolina, $3,500.
"For the western district of the State of North Carolina, $4,500.
"For the district of the State of North Dakota, $3,000.
"For the northern district of the State of Ohio, $4,500.
"For the southern district of the State of Ohio, $4,500.
"For the eastern district of the State of Oklahoma, $3,500.
"For the western district of the State of Oklahoma, $4,000.
"For the district of the State of Oregon, $4,500.
"For the eastern district of the State of Pennsylvania, $4,500.
"For the middle district of the State of Pennsylvania, $4,000.
"For the western district of the State of Pennsylvania, $4,500.
"For the district of the State of Rhode Island, $2,500.
"For the district of the State of South Carolina, $4,000.
"For the district of the State of South Dakota, $4,000.
"For the eastern district of the State of Tennessee, $3,500.
"For the middle district of the State of Tennessee, $3,500.

"For the western district of the State of Tennessee, $3,500.
"For the northern district of the State of Texas, $4,000.
"For the southern district of the State of Texas, $3,500.
"For the eastern district of the State of Texas, $3,500.
"For the western district of the State of Texas, $3,500.
"For the district of the State of Utah, $3,000.
"For the district of the State of Vermont, $2,500.
"For the eastern district of the State of Virginia, $4,500.
"For the western district of the State of Virginia, $4,500.
"For the eastern district of the State of Washington, $3,000.
"For the western district of the State of Washington, $4,500.
"For the northern district of the State of West Virginia, $4,500.
"For the southern district of the State of West Virginia, $4,500.
"For the eastern district of the State of Wisconsin, $3,500.
"For the western district of the State of Wisconsin, $3,500.
"For the district of the State of Wyoming, $3,000."

Page 36, line 12, strike out the section and insert in lieu thereof the following:

"SEC. 69. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as hereinafter provided. When any such deputy or clerical assistant is necessarily absent from the place of his regular employment on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General."

Mr. WATKINS. Mr. Chairman, this bill as originally presented provided for a uniform salary of $5,000 for all clerks, but there was an amendment offered to the first of these sections by the gentleman from Iowa, which amendment incorporated the facts expressed in the bill which had been reported favorably from the Committee on the Judiciary. As the Judiciary Committee had had lengthy hearings and was supposed to have carefully investigated the question, and as reports had been received from the Department of Justice as well as from the Department of Commerce and Labor and also from the Department of Labor in reference to the matter, I was persuaded, after a thorough investigation of the question myself, to offer these three several amendments. This proposition as to clerks' salary is in lieu of the former law which fixed the salary at $3,500. After the abolition of the circuit courts the fees of the clerks of the district courts ought to be more than they were prior to that, and these provisions are for the purpose of, as far as possible, putting the salary on an equitable basis. The fees enumerated in the various sections of this statute go into the United States Treasury, and the salaries fixed for the various clerks of the United States seem to be in conformity with the facts as detailed in the hearings before the Judiciary Committee. That is the explanation I have to make with reference to these salaries which are stated here in the various districts.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. WATKINS. I will.

Mr. STEPHENS of Texas. I desire to state that the proposed salary in the western district of Texas is $3,500, while in the northern district of Texas it is $4,000. I would like to know why there is this difference. I believe the salaries throughout the bill run from $3,500 up.

Mr. WATKINS. Two thousand five hundred dollars to four thousand five hundred dollars.

Mr. STEPHENS of Texas. What was the method by which the committee arrived at the amount that the clerks should receive in the different districts of the United States?

Mr. WATKINS. If the gentleman will examine the report of the Judiciary Committee on the bill which formed the basis of the amendment introduced by the gentleman from Iowa, he will see that under the hearings on that bill was shown the difference between the fees which were received in the northern districts and the southern districts or in the eastern and western districts of the various States.

Mr. STEPHENS of Texas. Mr. Chairman, I will state to the gentleman that I formerly represented El Paso, and that there is a great deal of work there on Chinese, Japanese, and Mexican immigrants coming into this country.

Mr. WATKINS. They are allowed for that work extra compensation of $3,000, if they earn that much to pay for the clerical work of that character.

Mr. STEPHENS of Texas. That was the reason I asked that question. I know that these clerks were very insistent on having some additional pay for this additional work that was forced upon them. The northern district of Texas has none of that work.

Mr. WATKINS. If he takes in $6,000 in work of that kind, he gets $3,000 extra. Understand, that does not go directly to the clerk, but it goes to pay his clerical help.

Mr. STEPHENS of Texas. I understand.

Mr. MOORE. Mr. Chairman, I would like to inquire of the gentleman from Louisiana whether these amendments will have the effect of abolishing the fee system, so far as personal compensation to the clerks is concerned?

Mr. WATKINS. It does not abolish the fee system at all.

Mr. MOORE. I mean the clerk's compensation.

Mr. WATKINS. Yes; the clerk himself does not receive the fees of the office. He charges them up, and they are paid into the Treasury, and he receives his salary in lieu of the fees.

Mr. MOORE. Then, there are to be no fees hereafter for the personal use of the clerk?

Mr. WATKINS. No; except in naturalization cases; and then if he takes in $6,000 in naturalization fees he gets $3,000 for clerical help in connection with that work.

Mr. MOORE. That simply means that he would be paid out of the naturalization fees to the extent of $3,000 a year if the fees amount to $6,000 a year?

Mr. WATKINS. Yes.

Mr. STAFFORD. Mr. Chairman, if I may be permitted, I would like to ask the gentleman from Pennsylvania while on his feet a question. Will the gentleman from Pennsylvania please inform the House why the common pleas courts in his own city and in the city of Pittsburgh absolutely refuse to perform naturalization service in qualifying aliens for citizenship?

Mr. MOORE. I know that to a certain extent they do refuse to do that.

Mr. STAFFORD. I am informed authoritatively that they absolutely refuse to take jurisdiction in any case and throw the entire work on the Federal courts.

Mr. MOORE. The common pleas courts do because they do not consider it their business; they have plenty to do and regard naturalization as the business of the Federal courts.

Mr. STAFFORD. They have concurrent jurisdiction under the naturalization act to naturalize citizens.

Mr. MOORE. I can only say that they regard it as business of which they should not take cognizance and that to a certain extent it has resulted in clogging the business in the Federal courts.

Mr. TRIBBLE. Mr. Chairman, if the gentleman from Pennsylvania will permit, I think I can offer an explanation. I had a good deal of experience in regard to the superior courts of my State. The department here refuses to send out the necessary books to the courts, and there is a provision in the law that they must have——

Mr. STAFFORD. Oh, I know that so far as my State is concerned the department does not refuse to send them out. They are as considerate of the State courts as they are of the Federal courts.

Mr. TRIBBLE. It is a great convenience to allow the State courts to do it, but they now require the district courts to perform that service.

Mr. MOORE. Mr. Chairman, I will say for the courts of Philadelphia—and I am not a lawyer and constantly in the courts as is the gentleman from Wisconsin when he is at home—they have an abundance of work that arises in the usual way, legal work which must be attended to, and they are far behind on that. There is a constant demand on the part of litigants for early determination of cases, and the naturalization business is very large. They simply feel that it is not their province and they do not worry themselves with it.

I wanted to ask the gentleman from Louisiana another question. The clerks are still bonded, of course?

Mr. WATKINS. Oh, yes.

Mr. MOORE. What money actually passes through their hands?

Mr. WATKINS. They are expected to collect these fees and to turn them over into the Treasury.

Mr. MOORE. Until these amendments were presented, there were some perquisites, were there not, that the clerks were entitled to?

Mr. WATKINS. Yes; in certain cases they received one-half of the amount of the fees. There was a maximum fixed.

Mr. MOORE. I have knowledge of one suit which involved the right of the clerk to retain certain fees, and that suit went through the Court of Claims. It arose in the State of Massachusetts.

Mr. WATKINS. I suppose that perhaps the gentleman is referring to the special law which was enacted giving them a part of the naturalization fees also, and now they are being

placed on a salary basis, and they are allowed that up to the extent of $3,000 for clerical help.

Mr. MOORE. This Massachusetts case involved the enforcement by the Government of a bond given by the clerk, and I believe that case has not yet been determined. I would like to know just how these amendments will relieve the clerk of a court from keeping in his own possession or being personally responsible for fees that may or may not have been earned.

Suppose a lawyer in Pittsburgh asks for a transcript of a decision rendered by the court in the eastern district of Pennsylvania. Do I understand this amendment now provides that the lawyer in Pittsburgh must advance the money to the clerk in Philadelphia?

Mr. WATKINS. Unless the clerk is willing to take the responsibility of trusting him; and if he does, he will have to account for the amount.

Mr. MOORE. Well, I have in mind a case where the clerk involved himself by being accommodating; he is not now the clerk——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask for three minutes more to pursue this inquiry.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Is there any way by which the clerk could be relieved of giving credit to some one he knew and respected, but who might not finally make good?

Mr. WATKINS. I think the very fact that he has respected him would cause him to trust him, and in that way he would become involved, if the man whom he trusted proved unworthy of his trust, and there is no way to relieve the responsibility of his failing to make collections.

Mr. MOORE. The Solicitor of the Treasury Department has recently settled a case in which he held the bondsmen for a clerk who trusted certain people for transcripts, and so forth, involving the payment of fees.

Mr. WATKINS. That would be entirely too uncertain a way of doing business. The law requires him to make the collection in advance.

Mr. MOORE. I grant it is an uncertain way of doing business and reprehensible; but the point I desire to know is whether the amendment, which was rather long, corrects that abuse?

Mr. WATKINS. Yes; it corrects it in this way, that it requires him to make collection in advance and requires an accounting for the fees earned.

Mr. MOORE. We are to have the payment in advance.

Mr. WATKINS. The principle is not new, but the language is a little different. The principle has been the same all the time.

Mr. MOORE. Does the gentleman think the amendment will reach and improve that condition?

Mr. WATKINS. Not in that particular respect—I do not think it would.

Mr. MOORE. Then the practice will be left very largely to the judgment and integrity of the clerk.

Mr. WATKINS. I do not think so at all; I think it absolutely requires him to make collections and account for them.

Mr. MOORE. I would think it better if he had no discretion in the matter at all——

Mr. WATKINS. He has none at all.

Mr. MOORE. I am satisfied to call the attention of the gentleman to at least two cases of which I have knowledge where the question arose, in one of which the good nature of the clerk in trusting those who ordered documents from him subsequently involved him.

Mr. POWERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD.

Mr. BARTLETT. Upon this amendment, upon this bill?

The CHAIRMAN. The gentleman from Georgia inquires upon what subject.

Mr. BARTLETT. Upon this bill?

Mr. POWERS. I want to say something about this bill and something about other matters.

Mr. BARTLETT. Generally, I have no objection to such requests, but it seems to me that the ordinary procedure is for gentlemen to state upon what subject they desire to extend their remarks.

The CHAIRMAN. Does the gentleman from Georgia object?

Mr. MOORE. I want to ask the gentleman from Georgia if the gentleman from Kentucky states that he will put what he desires to extend in the back of the RECORD, would the gentleman object?

Mr. BARTLETT. It is very rare I make any suggestion at all about extension of remarks, but I think the request is somewhat irregular, and the House ought to be informed upon what subject the gentleman desires to extend his remarks.

Mr. MOORE. I understand the gentleman from Kentucky desires to put in the back of the RECORD what he desires to insert, so as not to burden this proceeding at all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TOWNER. Mr. Chairman, the provisions of this bill were to fix and limit the clerk's salary at $5,000 and allow the fee system to be continued. On the calendar of the House, however, there was a bill reported from the Judiciary Committee, unanimously reported favorably, to take the clerks of the United States courts out from the fee system entirely, as had already been taken the United States marshals and United States district attorneys, and put them upon a graduated salary. I think that meets with practically the unanimous approval of the bar. It has been several times approved by the American Bar Association. It meets with the approval of all jurists, because the fee system as an adjunct or part of the judiciary system is universally considered to be wrong. Now, for that purpose I introduced an amendment to this bill, which is in substance that Clayton bill, and which is now pending.

This amendment has the approval of the chairman of the committee, who now makes it in effect a committee amendment. There is no question, I think, but what this system will approve itself to the people if adopted, as I hope it will be. The showing made in the testimony before the committee is that the amount of fees now received in United States courts amounted in the year 1911 to $1,123,790. The total amount of clerks' salaries, as fixed in this amendment, will be $337,000. The total amount paid the deputies and other assistants in the clerks' offices will amount to $447,000, a total of cost in the clerks' offices of $784,000.

This will leave a surplus, Mr. Chairman, of fees received in the clerks' offices every year of $339,790 that will be conveyed into the Treasury of the United States under the system which we are now asked to adopt by this amendment. It is stated in the testimony by those experts of the Attorney General's office who made the examination that the amount received from fees under the fee system as we now have it will very soon pay all the costs of the United States court, even including the salaries of the United States district judges.

The salaries as fixed in this schedule extend from $2,500 to $4,500. The basis on which these salaries have been so fixed was given by the committee as follows. They took into consideration:

1. The number of places of holding court and the number of offices maintained by each clerk. There are 391 separate offices in the several districts in charge of clerks. The marshals and district attorneys maintain one office in each district of the United States, or 79 in all.
2. The volume of business in each district, both civil and criminal, as shown by the official reports of the Attorney General.
3. The salaries now paid to United States attorneys and marshals in the several districts.
4. The net amount each clerk has been paid for his services annually under the fee system.
5. The population, progress, and development of the several districts and their future possibilities.
6. The fact that many clerks are lawyers and under section 273 of the judicial code are prohibited from practicing in the courts.
7. The revenue-producing qualities of the several districts. The reports of the Attorney General show that the clerks will collect and pay into the Treasury of the United States annually, after deducting the total amount to be paid in salaries under this bill, the sum of $415,346.16, which is an average based upon the receipts for the past three years and increasing steadily. This amount represents the collections exclusively from individuals and corporations and the United States will receive the services of the clerks gratis.
8. The various duties of the clerks and the economy incident to capable executive ability in the clerk's office.

Under this basis the salaries of the clerks have been fixed. Of course, I recognize the fact that there will be objections made in individual cases, and these may be taken care of by amendments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. And these changes may be made either here by amendment or in the Senate when the bill shall be considered there. The great advantage of this bill is that it does away with the fee system. I need not say to Members of the House that that is a great advantage from every possible stand-

point. The clerks themselves will certainly approve of the salary system, because the former system has involved them in very many embarrassments. There have been pending in the United States courts suits brought by the Attorney General against clerks on their bonds for fees which he has claimed have been illegally collected, but which the clerks claimed was theirs by right. Under the old system, where they have both the United States circuit and the United States district courts, the maximum allowed to the clerks from the fees collected was $7,000 a year, and the amount paid for the salaries of the clerks was much larger than it will be under the new system when the maximum salary is $4,500. The salary system will be much more satisfactory, and while these salaries are not large, it is supposed that under the circumstances it will be fair and reasonable remuneration for the service which is rendered.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. TOWNER. I yield to the gentleman from Pennsylvania.

Mr. MOORE. The fees will be charged for services performed by the clerk, as usual?

Mr. TOWNER. The fees will be all charged and conveyed into the Treasury of the United States.

Mr. MOORE. And the clerk will have personal control of those fees until they are delivered to the United States Treasury?

Mr. TOWNER. Certainly.

Mr. MOORE. And there will be just that little element of risk as between those who pay the fees and the Treasury? That is to say, they will be in the personal custody of the clerk for a time?

Mr. TOWNER. Yes; or of his deputies, principally.

Mr. MOORE. He will collect them, but he is directed under the amendment, as I understand, if it should pass, to immediately turn those fees into the Treasury?

Mr. TOWNER. Well, they are all accounted for under the rules which the Attorney General has prescribed, and, of course are turned into the Treasury of the United States; I can not say immediately, but under the rules which the Attorney General prescribed.

Mr. MOORE. Does not the gentleman think it would be well to have a time limit?

Mr. TOWNER. I think not, for the reason that there is so much variation in conditions, and for the reason that the same time limit on a clerk of a court in California or in the State of Washington and one who is compelled to account for fees in the city of Washington certainly would not be within reason.

Mr. MOORE. The fees in the city of Philadelphia—I am speaking of the city government—are collected during the day and turned into the treasury at the close of business of that day.

Mr. TOWNER. They are all subject to the regulations that the Attorney General will prescribe in these cases, and, of course, they will be reasonable and applicable to each particular locality and court.

Mr. MOORE. Yes; but there is no longer any personal interest of the clerk in the fees collected.

Mr. TOWNER. The intention of the amendment is to prevent that.

Mr. MOORE. I would like to see the amendment provide that at the expiration of a week or a month all fees should be turned in. I think perhaps a month would be a reasonable period. Perhaps the law ought to fix that.

Mr. STAFFORD. If my colleague will permit, as the gentleman is aware, the amendment provides for the accounting every quarter for all fees that are collected during that quarter.

Mr. MOORE. Well, I have known of instances where fees have been put in a bank or trust company that has dissolved, thus involving the clerk.

Mr. STAFFORD. The risk will be upon the clerk to select his own depository.

Mr. MOORE. The responsibility is on the clerk, because he has given a bond to protect this fund which is in his hands.

Mr. MANN. He will still have to deposit in a national depository.

Mr. MOORE. I know; but I happen to have knowledge of several cases where funds are being made good under bonds by reason of the fact that there was discretion left to the clerk in holding over these moneys. The clerk, as well as the Government, ought to be relieved, so far as possible, from the risk of loss due to the holding of these fees for any great length of time. I am not saying that any clerk would do this. No self-respecting clerk, of course, would. But there have been instances where that has been done, and if the law compelled a clerk—and the clerks will be satisfied with this, I am sure—to turn that money over within a given period the temptation to misuse it or to lose it would be gone.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. I want to ask some questions of my colleague.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that his colleague [Mr. TOWNER] proceed for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. Do I understand you to say you approve the salaries that are fixed here by this report?

Mr. TOWNER. I would not say as to any individual salary.

Mr. HAUGEN. I wish to call the gentleman's attention to page 21 of the report. I find that in the northern district of Iowa there are 345 cases pending, while in the southern district there are only 332 cases, and the salary for the clerk of the northern district is $3,000, while the salary of the clerk in the southern district is $4,500. I am thoroughly in accord with the idea of fixing salaries instead of fees, but I would like to see a better adjustment of salaries.

Mr. TOWNER. I will say to the gentleman, as I said a little while ago, that these salaries are subject to revision in any individual instance. In this case, as I understand it, a change has been made since the original fixing of salaries in this bill by the Clayton bill.

Mr. HAUGEN. In the northern district the salary is $3,000, while in the southern district it is $4,500.

Mr. TOWNER. The northern district of Iowa is now extended so that it has more work to do than before.

Mr. HAUGEN. This county has been transferred from the southern district to the northern district, so that the northern district has more work.

Mr. TOWNER. I am not sure but that the gentleman is right about that.

Mr. MANN. Mr. Chairman, at the beginning of the last Congress the Committee on the Judiciary was elected, with the distinguished gentleman from Alabama, Mr. Clayton, as chairman. He has recently been appointed and has assumed the duties of office as Federal judge in Alabama, and I beg to say, as an introduction to what I wish to say about this proposition, that in my experience in this House I think the Committee on the Judiciary never had a better chairman than Mr. Clayton. [Applause.]

Personally I appreciate the fact that in a new country it is often necessary to pay upon a fee system, where the business is sporadic or spasmodic, and no one can tell what the salary ought to be. But as time goes on and the country becomes more thickly settled and business becomes more steady in offices I think the fee system ought to be abolished wherever it can be and a salary system put in its place.

There was some bill introduced in the last Congress which was referred to the Committee on the Judiciary—I do not recall now just what it was or whether it was reported—but at any rate it led to a conference or conversation between the chairman of that committee, Mr. Clayton, and myself, and I urged—and the urging was not necessary—that he proceed with a bill which would put the United States clerks of district courts upon a salary basis instead of upon a fee system. There was a bill reported from his committee—or possibly not reported; I am not sure; if not, he introduced such a bill—leaving the salaries without any amounts in them, and afterwards, or maybe before, he took the matter up with the Attorney General's office and obtained a large amount of information and fixed a schedule of salaries in a bill which was reported to the House in the last Congress.

I assured Mr. Clayton at that time that I would do everything within my power to help him pass through the House a bill which would adopt the salary system instead of the fee system in these clerks' offices and that I thought the minority side of the House would all practically stand together upon that proposition. It would seem that everybody was in favor of it, and the bill has been introduced and reported by Mr. Clayton in this House.

I hope that we may some day reach that bill and pass it. But meanwhile I am very glad indeed that the gentleman from Iowa [Mr. TOWNER] called the attention of the House to the matter in this bill, and that the distinguished chairman of the Committee on the Revision of the Laws, who has charge of the pending bill under consideration, has agreed to the proposition and offered an amendment covering the salary system. I think it is a distinct step in advance wherever we can abolish the

payment of officials upon a fee basis and put them upon a salary basis. There may be some controversy as to the amounts of salary to be paid to these clerks. I think the bill in the last Congress was sent to every clerk in the United States, and so far as I know there was no general objection to it. There may have been one or two cases or more where clerks thought they ought to have higher salaries. I suppose it is inevitable that some clerk would like to have his salary raised as high as the salary of some other clerk. We do not pay very high salaries at the best. So I congratulate the gentleman from Louisiana [Mr. WATKINS] on doing what he has done, and I have made these remarks because I thought the gentleman from Alabama, Mr. Clayton, was entitled to receive credit for this reform, which is a distinct and valuable reform.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, after section 68: After the words "clerk for the northern district of the State of Iowa," strike out "$3,000" and insert "$3,500."

Mr. SCOTT. Mr. Chairman, the effect of this amendment would be to raise the salary of the clerk of the northern district of Iowa from $3,000, as embodied in the committee amendment, to $3,500.

The reason I have for offering this amendment is that in the northern district of Iowa the business is growing very rapidly. The northern half of the State is the new half of the State, and while a considerable discrepancy between the two districts years ago would have been equitable, it no longer is so.

Again, one quite populous county has recently been transferred from the southern to the northern district, which includes one of the small cities in the State, which also lessens the work in the southern district and increases it in the northern district.

The salary of the clerk of the northern district as it stands now in my amendment, at $3,500, when compared with the amount of busines done, would still be below the number of other districts in the country, notably in Tennessee and Mississippi and Wisconsin, where the business is much less, but where the compensation in the committee bill is more. I have only asked for an increase of $500, raising the salary to $3,500. I really feel that it ought to be at least $4,000, because it undoubtedly will be entitled to that increase within the next two or three years.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. SCOTT. Yes.

Mr. CULLOP. What does the clerk of your State get per annum, in the same county where the district court is held?

Mr. SCOTT. Oh, he gets more than that amount.

Mr. CULLOP. How is he paid—by fees or salary?

Mr. SCOTT. Fees and a limited salary. Fees up to a limit.

Mr. CULLOP. What is the limit?

Mr. SCOTT. I think it is $4,500 in the county.

Mr. CULLOP. Is there not more than twice the amount of business done in that district court than there is in the United States court held in the same county?

Mr. SCOTT. But we have four different divisions in my district.

Mr. CULLOP. Yes; but is there not a deputy at each one of the other points where court is held, and does not that deputy transact the business of the clerk at that point?

Mr. SCOTT. Oh, that is true all over the whole country.

Mr. CULLOP. Then it does not cause the clerk any additional labor to have different places where the court is held?

Mr. SCOTT. Oh, yes; he must attend all the sessions of the court in all the four divisions, and must supervise them all and be responsible for them all.

But I am basing my amendment entirely upon the matter of comparison of that district with the southern district and with the other districts of the country. As the bill is offered it is out of proportion when you come to compare the amount of business that has been done in the past, when you contemplate the business of the future, and, further, in view of this transfer of territory recently from the southern to the northern district.

Mr. COX. Mr. Chairman, I want to heartily indorse the amendment. I do not know anything about the details of it, but I wish to indorse the policy of it. In my judgment, the States are away ahead of the Federal Government in abandoning the old fee system. For years and years the fee system was an eyesore in my State. It was abused practically by every man who was elected to an office, regardless of politics, until some 20 years ago such an outcry was raised against it that both parties agreed to revise it, and to put all officers upon a straight salary basis.

While it is outside of the subject which we are discussing, I want to take this opportunity to call the attention of the committee to a piece of constructive work done by Mr. Taft that is probably overlooked, and yet I regard it as a piece of real, genuine constructive work. That was the reorganization of the customs districts in the United States. If I remember correctly, the proof before my committee disclosed that there were 37 different ways of paying collectors of customs in the United States—some on the fee system, some on the commission system, and some on the salary system, and I do not know what not. We began an investigation of that matter, and had the earnest, loyal support of Mr. MacVeagh and of Mr. Curtis. In my candid judgment, that entire work was due to the courage and brain power of Mr. Curtis, then Assistant Secretary of the Treasury of the United States. If I remember correctly, the reorganization as finally put through reduced the collection districts from 149 to something like 47. But an amusing fact to me was this: I had the earnest, loyal support of my committee while we were working on it, but after the election of 1912, when it was perfectly apparent that if the reorganization went through there would be something like 100 jobs abolished that were paying good salaries, many of them absolute sinecures, many of them paying $3,000 a year where they did not take in one dollar's worth of revenue, and in addition to the salary of $3,000 paid to the collector they carried a clerkship or two—immediately before Mr. Taft's term of office expired a fight began to keep him from issuing his Executive order carrying out the directions contained in the sundry civil bill of 1912. From almost every conceivable point of the compass and from every conceivable angle pressure was brought to bear on the President to get him to refuse to issue his Executive order. Under the law, he had to get it to Congress by the 4th of March, 1913.

I desire to state that in that work I had the earnest, loyal, active support of Mr. Hill, of Connecticut. I recollect we had two public hearings at the White House on the subject. At both those hearings Mr. Hill and myself appeared. But the real trouble came in the abolition of the jobs and useless positions; and be it said to Mr. Taft's everlasting credit that on the morning of March 4, 1913, his order reached the House. Now, his rearrangement of the customs districts may not have been perfect. There was some criticism of it, and naturally in the reorganization of such a tremendous piece of political machinery as that every joint could not possibly be shaped and fashioned to fit exactly as it ought to fit. There were some of the most notoriously outrageous things connected with that service that I ever dreamed of in my life. I recollect that at some of those frontier ports on the Canadian border the collectors got from $15,000 to $20,000 a year out of the fee system, selling manifests, and so on. I received a great many letters from that section of the country appealing to me to stand back and out from under the reorganization, and not insist upon the President putting it into force. But through the Executive order issued by President Taft that condition of affairs up there was cleaned up. Everything is upon a fair, square, salary basis, and every collector in the United States is upon a fair, square salary. There were two ports in my State, and there was no use on earth for both. One of them was at Evansville, Ind., where the collector drew a salary of $4,500 a year, the other was at Indianapolis. It was but right and natural that one of those ports should be abolished and make a subport of Indianapolis, which was done. I want simply to take this opportunity of saying that as to this fee system many of the States are far in advance of the Federal Government, and I shall rejoice to see the day come when every man working for the Federal Government will have a fixed and determined salary, knowing just exactly what he is to get when he is either elected or appointed to the position, and I hope the amendment offered by the gentleman from Iowa [Mr. SCOTT] will carry, provided the amount is right and not too high.

Mr. WATKINS rose.

Mr. HOWELL. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] desire recognition?

Mr. WATKINS. I want to understand the parliamentary status.

Mr. MANN. There is an amendment pending.

Mr. WATKINS. Yes; there is an amendment pending; but the question in my mind is whether an amendment in the third degree is in order now. I do not desire to be unreasonable——

The CHAIRMAN. There is an amendment pending offered by the gentleman from Louisiana [Mr. WATKINS]. Now there

is an amendment to that amendment, and those are the only amendments pending, as the Chair understands.

Mr. WATKINS. I thought the gentleman from Utah offered an amendment.

Mr. MANN. He is withholding his amendment. He is waiting.

Mr. WATKINS. If the gentleman from Utah is going to wait, I will speak to the pending amendment.

The CHAIRMAN. Of course no further amendment to the amendment would be in order at this time.

Mr. WATKINS. Mr. Chairman, I wish to state that as far as we can possibly do so I would like to stand by the report of the Judiciary Committee, on account of the very careful research which they have made in the hearings had before that committee as the basis of the report which they made on the bill pending to fix the salaries of the clerks throughout the country. I am sure that nearly every clerk will have some little suggestion here and there which he would like to have incorporated as an amendment to the bill, believing that he is not placed exactly on an equality with other clerks. But if we balance it up, taking the average, we will find, as shown by the report of the committee, that as a rule they are placed nearly on an equal level, on a basis of equality so far as it is practicable to put them there.

Mr. MANN. Will the gentleman yield for a question?

Mr. WATKINS. Certainly.

Mr. MANN. This amendment as now offered is the bill reported in this House in this Congress?

Mr. WATKINS. Yes.

Mr. MANN. I notice that there are a number of discrepancies between the bill as reported in this Congress and the bill reported in the last Congress.

Mr. WATKINS. I have noticed that.

Mr. MANN. Will the gentleman explain those discrepancies?

Mr. WATKINS. I was going to explain the bill reported favorably to this Congress. There is no use going back to discrepancies in the old report.

Mr. MANN. I mean discrepancies between the two; the amendment now pending, for instance, gives the clerk of the northern district of Iowa a salary of $3,000, while in the last Congress the salary was fixed at $3,500.

Mr. WATKINS. Yes.

Mr. MANN. Does the gentleman know the reason for cutting it down?

Mr. WATKINS. I was going to state that in this report there are two separate recommendations. One reports in favor of the amount stated in the bill, in the Towner amendment which is now pending, and the other part of the report makes a difference of $500, making it $3,500. One is on page 25 of the report and the other on page 35 of the same report. These are discrepancies. I intended to call attention to it and leave it to the House to say what it would do in allowing this amendment to go through.

Mr. MANN. What I was seeking to get information about—I know the gentleman is not a member of the Judiciary Committee—but what was the reason given, if any, for reducing the amount of the salaries of some of the clerks in the bill reported in this Congress from the salaries fixed in the bill reported in the last Congress?

Mr. WATKINS. It was largely as the result of hearings had before that committee, and also from the report received by the departments, and particularly the report from the Department of Justice.

Mr. MANN. As I understand, the Department of Justice reported in favor of $3,500 for the northern district of Iowa.

Mr. WATKINS. That former report was based on the law which allowed the clerks to receive fees in the district court and also in the circuit court. The circuits were abolished January 1, 1912, when the act of March 3, 1911, went into effect.

Mr. MANN. I beg the gentleman's pardon, the bill reported to the last Congress was for the salary of the clerks of the district courts, and was not based at all on the circuit-court salaries.

Mr. WATKINS. The report may have been made after that, but they constantly refer to the amount the clerk was paid in 1911, when fees were being received both for the district and the circuit courts.

Mr. MANN. I understand that part of it, but the district court does all the work of the circuit court and the district court combined now, so that that makes no particular difference. I call attention to the fact that in this report, page 59—I think that was the basis of the bill in the last Congress—the net earnings of the clerk in the northern district of Iowa in 1911 was $4,800.

Mr. WATKINS. Forty-eight hundred and eighty-three dollars and fifty-one cents.

Mr. MANN. And the salary proposed was $3,500.

Mr. WATKINS. I think they intended to report in favor of $3,500 in this bill, but they did not do it.

Mr. MANN. I wondered if it was not more of an inadvertence than anything else.

Mr. WATKINS. In the report on page 34 the gentleman will see that they say they reduced the salary from $4,000 to $3,500, showing that it must have been a clerical error in putting the amount at $3,000.

Mr. MANN. They intended to make the same report in this Congress that they made in the previous Congress in that respect?

Mr. WATKINS. I will not say, but, as far as I have been able to ascertain, that is the only place where an error has occurred, and I propose from this time on to oppose any other amendment changing the amount of salaries fixed by this report. In this particular instance I do not propose to antagonize the amendment, because I think it was a clerical mistake.

Mr. MANN. I think there is one other case where the same condition prevails.

Mr. HAUGEN. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. HAUGEN. I would like to call attention to the fact that by an act of Congress of March 3, 1913, Carroll County was transferred from the southern district of Iowa to the northern district, which makes 52 counties, and the duties of the clerk have been increased.

Mr. WATKINS. Now, Mr. Chairman, I want to be fair and just all the way through, and I shall oppose any other change whether it comes by way of amendment or otherwise.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment to the amendment was agreed to.

Mr. HOWELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the words "State of Utah" strike out the figures "$3,000" and insert "$3,500."

Mr. HOWELL. Mr. Chairman, this amendment is offered under precisely the same circumstances as the one just adopted. The report on the bill and the hearings on it show that the clerk of the district court of Utah was regarded as being entitled to $3,500. I have been unable to find upon what basis the report of the committee in the Sixty-second Congress has been changed. It seems that the hearings on that bill are submitted as a basis for the present bill. In these hearings I find on page 31 that Utah has a population of 373,351. The clerk was paid $4,895 in 1911. The salary of the attorney is $4,000. The salary of the marshal is $3,000. And these are the conditions which the committee took into consideration in fixing the present salary of the clerk of the district court of Utah. After a full hearing in the last Congress, the Clayton bill fixed the salary for the district of Utah at $3,500. I ask the chairman of the committee having charge of this bill if he will not consent to this amendment upon the same ground that he accepted the amendment of the gentleman from Iowa?

Mr. WATKINS. Mr. Chairman, I do not find any similarity in the reports, so far as I have examined them.

Mr. HOWELL. The report on the Clayton bill——

Mr. WATKINS. I am not going by the former report, but I am going by the report on this bill, which is the basis for the Towner amendment.

Mr. HOWELL. I am standing with the chairman on that report. The report to which I refer is the basis on which the bill is formulated, and the schedule of salaries is fixed in accordance with the hearings before the committee. There is not a word that I can find to explain the changes that have been made in House bill 867? now reported and offered as an amendment from the bill reported in the Sixty-second Congress. In fact, the report on House bill 8673 sets out the same set of facts upon which the committee recommended the adoption of House bill 21226 in the Sixty-second Congress.

Mr. WATKINS. There are many changes in the bill presented in this Congress from the bill presented in the former by the Judiciary Committee for the reason I gave when the other amendment was pending. They had hearings, and as a result of those hearings they ascertained the amounts in many instances were not the correct amounts to be fixed, and the report from the department shows that the work done in the various districts does not justify the amount fixed in the former report on the bill.

Mr. HOWELL. Mr. Chairman, I wish to call the gentleman's attention to this statement in regard to Utah, which is found in the hearings.

Mr. WATKINS. To which report does the gentleman refer?

Mr. HOWELL. In the report on the bill H. R. 8673.

Mr. WATKINS. The report at this session of Congress?

Mr. HOWELL. Yes; in the report at this session of Congress.

Mr. WATKINS. Very well.

Mr. HOWELL. I read from the report:

Utah: There are two places of holding court and two offices maintained by the clerk, the total annual collections being about $5,100. There were pending July 1, 1911, 390 civil and criminal cases, and the business is increasing steadily. Population, 373,351. Clerk was paid $4,895.76 in 1911; attorney's salary, $4,000; marshal's salary, $3,500.

Mr. WATKINS. Mr. Chairman, in the amendment which is pending, to which the gentleman refers as the basis for this amendment, the amount of salary earned was nearly twice that amount and the district attorney's salary was much larger. Besides, there were five places of holding court as against two in this instance. There is no similarity, and there is no clerical error that I can see.

Mr. HOWELL. Of course, there is nothing in the report to show why these changes have been made, and I am convinced that the change is a mere inadvertence and ought to be corrected. The clerkship of the Utah district is a position of such importance and responsibility that the salary provided by my amendment is even inadequate.

Mr. MANN. Mr. Chairman, if I can get the attention of the gentleman from Louisiana, in the bill in the last House the salary was fixed at $3,500. The fees that were collected by the clerk and kept by him out of the fees collected in 1911 were $4,895.76. In the statement made by the department to the committee in this Congress there is no reference to any reduction from $3,500 to $3,000 or any suggestion of a reduction from the amount carried in the bill of the last Congress, although I think that in every other case where there was a reduction from the former bill, that is set out in a statement made by the department.

Mr. WATKINS. If the gentleman will allow me a suggestion, I will state that the facts there show that the places of holding court are only two, and the amount of fees earned and the work done in the court would not justify that additional compensation.

Mr. MANN. On the facts, compared with other cases, here is a case where I think there is an error. There is nothing in the hearings before the committee on this subject, and no discussion in the committee on the subject. In the appendix furnished by the department to the committee, which was the basis of any change made in the salaries, a statement which is quite complete, there is no reference to any proposed change or reduction in this bill introduced in this Congress from the bill introduced in the last Congress. It seems to me there is a fair amount of business in that court.

Mr. WATKINS. Mr. Chairman, in whose time is this discussion being carried on?

Mr. MANN. In my time; and the gentleman will not object to that, I am sure. All we want to do is to have this proper. It is a wonder to me that there is not more trouble about it.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Just one moment. The average gross receipts for 1909, 1910, and 1911 in this district was $5,100, and the department states that this is a district which is rapidly increasing in business. I yield now to the gentleman from Indiana.

Mr. CULLOP. I was going to suggest that the report here shows that in the northern district of Iowa there is a population of more than a million.

Mr. MANN. But we are not talking about that.

Mr. CULLOP. No; but, as I understand, the gentleman is comparing the fees of the clerk of the court in Utah with the fees of the clerk of the court for the northern district of Iowa.

Mr. MANN. I was not, but I am perfectly willing to.

Mr. CULLOP. If the gentleman will notice, there is not only a larger amount of business, but there are five different places of holding court, while there are only two in Utah, and the population is nearly four times as great in that district. That ought to make some difference in the amount of fees.

Mr. MANN. Utah is a large State, and there is a considerable amount and a very rapidly increasing amount of business. I do not seek to have these fees put up over what the committee recommended, but here is a case where the Judiciary Committee after consideration recommended $3,500 and so reported. In all of the other cases where they have made any change they have given a reason for it.

In this case they have given no reason for proposing a reduction, and I think it was an inadvertence on the part of somebody who prepared the figures. It may have been an inadvertence in the Printing Office or an inadvertence of the clerk or an inadvertence of a Member of the House, but plainly it was an inadvertance, because it did not make any recommendation to that effect.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman from Utah.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Louisiana as amended.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The Chair will call the attention of the gentleman from Louisiana that there is an amendment offered to page 54. Does he desire to dispose of that now?

Mr. WATKINS. If these others have been disposed of, it would necessarily follow; yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 2, after the word "sixty-one," insert the word "sixty-eight."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 106. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held.

Mr. MAPES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 3, after the word "civil," insert the words "or criminal."

Mr. WATKINS. Mr. Chairman, before we discuss this amendment there are some provisions in this very codification here, some in conflict with the idea, and I would ask the gentleman if he could modify it in such way as to incorporate this view, that where it does not conflict with the other provisions of this law? Now, take the next page and you will find there the case of bigamy and other cases, and the husband can not be a witness for or against the wife and the wife can not be a witness for or against the husband except on certain conditions. This is something we expect to pass. If that provision is allowed to stand and this provision is allowed to stand we will have two separate and distinct provisions conflicting with each other. Then there are States where the husband and wife would be allowed to testify, and there are some States, like the State of Louisiana, where they are not allowed to testify, and if the case should go to the United States court in Louisiana they would not be allowed to testify under the gentleman's amendment, and under the other provisions of this law they would not be allowed to testify. There is a conflict, and if the gentleman will qualify his amendment in such a way as to say where it does not conflict with other provisions of this statute it will be all right, but unless there is some qualification made it will bring about confusion.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman——

Mr. MAPES. Mr. Chairman, I would like an opportunity to explain my amendment before my time is all taken up.

Mr. CULLOP. The question I was going to ask was an explanation of the amendment and therefore I will not interrupt the gentleman.

Mr. MAPES. The purpose of this amendment, Mr. Chairman, is to make the laws of the State, where the Federal court is held, determine the competency of witnesses in criminal cases as well as in civil cases. My attention was called to the need for this amendment by one of the prominent lawyers at home, who has an extensive practice in the Federal and State courts. It appears that in the Federal court in criminal cases the old common-law rule prevails, so that a husband or wife can not testify in favor of the other, and the purpose of this amendment is to allow the husband or wife to testify in Federal courts in favor of the other provided the State law, where such court is held, gives that right.

Mr. MANN. Does the gentleman say the Federal courts hold they can not testify?

Mr. MAPES. That is my understanding of the law.

Mr. MANN. Or can not be compelled to testify, which?

Mr. MAPES. The district judge of the western district of Michigan is a very competent and able judge and lawyer, and has held that they can not so testify, I am told.

Mr. MANN. Well, the present law reads this way.

Mr. MAPES. I would like in further answer to the question of the gentleman from Illinois to read an extract from a letter which I received from a lawyer at home.

Mr. MANN. I will read the law later, although I thought perhaps the gentleman would not want to read the letter after the law was read.

Mr. MAPES (reading)—

In our State courts you understand the rule to be that the husband and wife are competent to testify for each other in all actions, both civil and criminal. The Federal courts follow the common-law rule in criminal cases, and therefore the wife or husband is not a competent witness for the other. At this day and age there is no reason for following the common-law rule, as it very often works a very grave injustice.

And he goes on to state—

We recently had an occasion to defend a lady charged with embezzling from the mails. Her husband was a very material witness in her behalf, but we were unable to call him because of the holdings of the Federal court.

And I will say further for the benefit of the gentleman from Illinois that a very prominent criminal case was tried since this letter was written in our Federal courts at home, and according to the newspaper dispatches the wife in that case was not allowed to testify in favor of the defendant, her husband.

Mr. SCOTT. But the gentleman's amendment goes entirely beyond that and makes the similarity general; in other words, that the State rule shall cover all cases.

Mr. MAPES. I can see no objection to incorporating the provision suggested by the chairman of the committee, that such rule should prevail unless there is some Federal statute to the contrary. In fact, I think it would be advisable to add a proviso of that kind.

Mr. GARNER. May I interrupt the gentleman by asking what objection can there be to a wife or a husband testifying in any case that is being tried before the court when the jury is to determine the weight to be given to the testimony?

Mr. SCOTT. Of course the reason has been elemental for a great length of time that the wife or husband should not be permitted to testify against each other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. I would like to say to the gentleman from Iowa [Mr. SCOTT] that I am not asking that the husband or wife be allowed to testify against each other, but in favor of each other, or that one be allowed to testify in favor of the other provided the State law allows them to do so in the State courts in the State where the Federal court is held.

Mr. SCOTT. I understood that your amendment simply makes the State law prevail as to the competency of witnesses generally, and not merely husband and wife, on all questions.

Mr. MAPES. Yes; on all questions.

Mr. TOWNER. I will say to the gentleman from Michigan [Mr. MAPES] that I considered the matter as an amendment to that section of the statute, but found it would be inapplicable for the purpose which I think the gentleman has in mind, and I think an amendment which I will offer to the next section will reach the difficulty which the gentleman has in mind, and which I believe ought to appeal to the committee to support.

Mr. MANN. If the gentleman will permit, I overstated the case a while ago. The limitation in the present law is as to testifying in cases of bigamy, polygamy, and unlawful cohabitation. If that language were stricken out, then that permits the husband or wife to testify except as to confidential communications between each other.

Mr. MAPES. I want to say further, Mr. Chairman, that I have introduced a special bill which provides for an amendment to this particular section. It was referred to the Committee on the Judiciary, but, as we all know, they have been working on the trust legislation, and the chairman of the subcommittee to which this bill was referred said he would take it up just as soon as they disposed of the trust legislation. Without attempting to bind or speak for any member of the Judiciary Committee, I will say that the one or two members of that committee with whom I have talked thought that this ought to be the law, and I think the chairman of this committee has no objection to it.

Mr. WATKINS. I think if you put in the amendment the language "except as herein provided," I would have no objection to it. If we incorporated that in the amendment, it would be better.

Mr. MAPES. I am perfectly willing to agree to that suggestion.

The CHAIRMAN. Does the gentleman from Michigan [Mr. MAPES] ask to change his amendment to meet that suggestion?

Mr. WATKINS. Just add to it "except as herein provided."

The CHAIRMAN. The Clerk will report the amendment as modified.

Mr. MAPES. Would it not be better to put that after the paragraph?

Mr. GARNER. Let it follow the paragraph.

The Clerk read as follows:

Page 65, line 5, after the word "held," insert the words "except as herein otherwise provided."

Mr. BRYAN. Mr. Chairman, does it not include the word "criminal" farther up now? Let us hear the whole amendment reported.

Mr. MAPES. The first amendment was to insert the words "or criminal" after the word "civil."

Mr. WATKINS. Let the Clerk read the section as amended and we will understand it.

The CHAIRMAN. The Clerk will report the section as it is proposed to be amended.

The Clerk read as follows:

SEC. 106. The competency of a witness to testify in any civil or criminal action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held, except as herein otherwise provided.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BRYAN. Mr. Chairman, I desire to speak on that amendment. The exception "except as herein otherwise provided" is designed to protect and make effective the provision, among others, in section 108 on the next page——

Mr. WATKINS. Yes.

Mr. BRYAN. Which provides that in these cases of bigamy, polygamy, and unlawful cohabitation the wife or the husband may be called to testify against the other——

Mr. BARTLETT. Lawful wife.

Mr. BRYAN. Well, we are not talking about unlawful wives, surely. It says they shall be called to testify the one against the other.

Mr. BARTLETT. That is the language of the statute.

Mr. BRYAN. She will testify or he will testify as he or she chooses to testify, but in no case can he or she be compelled to testify. Now, I do not like that proposition myself. I believe that if there are any cases wherein a wife or a husband ought to be required to tell the truth as he or she knows it, it is in this very kind of cases. There has been quite a discussion of that proposition. Of course, it has been discussed from time immemorial, but the English law has been amended so as to include a whole string of cases in which this kind of testimony is permitted. Where a woman, for instance, is not required to testify against her husband, if her husband objects, you put a restriction on her testimony that is not fair; or if you put her in the position before the court that she is not a compellable witness, and if she testify, she does it at her own choice, then you put her in an awkward position.

The gentleman referred to the law of Louisiana. I heard a distinguished daughter of Louisiana speak on one occasion about a case of incest in the State of Louisiana, where the mother, or, at least, the wife, who was the aunt of the victim, was anxious to testify, but her testimony was no good in court because of these restrictions, because she was the wife of the criminal who committed the crime.

Now, I think there ought to be no restriction on the testimony of a woman against her husband or on the testimony of a man against his wife in cases of crime unless we save this proposition of privileged communications, not permitting one to testify against the other as to a privileged communication.

Mr. MANN. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. As I understood the gentleman, he wanted to make it so that a wife or husband could be required to testify?

Mr. BRYAN. Could be required to testify as to anything in a civil or criminal action except a privileged communication received from the other spouse.

Mr. MANN. Take a case where a man is accused of some crime, and he is not required to testify.

Mr. BRYAN. I know that.

Mr. MANN. And you are not permitted to comment on the fact that he is not permitted to testify.

Mr. BRYAN. That is good law.

Mr. MANN. And would you still compel it to be drawn out of his wife by compelling her to testify?

Mr. BRYAN. If her husband has made communication that is privileged in common law to the wife, he ought to be pro-

tected; but if the wife of John Jones knows that he stole a shoat from his neighbor, and he is arrested for stealing that shoat, she ought to be a competent witness.

Mr. MANN. Why should the wife of a man be compelled to testify where the man himself could not be required to do so?

Mr. BRYAN. For the simple reason that they are two entirely independent individuals.

Mr. MANN. That is the gentleman's mistake. We have not come to the free-love system yet. They are equal under the law in many respects.

Mr. BRYAN. The gentleman says we have not come to the free-love period. I suppose the gentleman abhors the idea of coming to the free-love period?

Mr. MANN. I do.

Mr. BRYAN. And I think all decent men do. I suggest to the gentleman that if he thinks permitting a woman to testify against her husband or a husband against his wife would induce a free-love period he is simply wide of the mark. There is no connection and no reason in any such argument.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BRYAN. I ask, Mr. Chairman, that I may proceed for five minutes more.

Mr. BUTLER. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BUTLER. In the State where the gentleman lives is the husband permitted to testify against his wife, or is the wife permitted to testify against her husband?

Mr. BRYAN. There is a restriction or limitation placed similar to these other restrictions.

Mr. BUTLER. You have the common-law rule in your State?

Mr. BRYAN. No; we have a statutory rule.

Mr. BUTLER. By that statute they are not enabled to testify against each other?

Mr. BRYAN. The law reads as follows:

The husband shall not be examined for or against his wife without the consent of the wife, and the wife shall not be examined for or against her husband without the consent of the husband, nor during marriage without the consent of either as to any communications made by one to the other during marriage, but this exception shall not apply to a civil action or proceedings by one against the other nor to a criminal action or proceedings for crime committed by one against the other.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman ffom Washington yield to the gentleman from Texas?

Mr. BRYAN. Yes.

Mr. GARNER. That statute specifically specifies that the wife shall not be compelled to testify against the husband or the husband against the wife under any circumstances, except by the permission of the party defendant. Now, the gentleman wants to enlarge that by Federal statute and take it further than any statute of any State in the Union.

Mr. BRYAN. Yes. I want to take it further than the State statute.

Mr. GARNER. It is to be hoped that an action in the gentleman's State or in any other State will never go to that extent.

Mr. BRYAN. There were recently quoted in an article in the Washington Post, under the head "Cite feminist words—Suffrage foes would prove 'free-love' advocacy," the purported opinions of several persons. The article begins:

Do you know what a "feminist" is? Many persons have admitted their ignorance regarding this, and, as a result of numerous queries received, it is said, by the National Association Opposed to Woman Suffrage, that organization, through its press agents, issued yesterday a statement on the subject. It is sought by them to prove that feminism is about equivalent to "free love."

Then follows a statement of the opinions quoted.

Now, then, I will say to the gentleman from Illinois [Mr. MANN] that in the great State of Illinois the right of women to participate in the making of the laws of the State has been established firmly, and that right can never be taken away from them there, and so elsewhere over this country to a great extent that right has been established. But I want to call your attention to the fact that in every State where women do have the right to vote the very first thing they try to do is to take away from the statutes these special protections that are given to men in the commission of crimes of this kind. It is all nice enough to say that a man can not testify against a woman and a woman can not testify against a man, but the party that is up for trial is nine hundred and ninety-nine times out of one thousand the man. It is very seldom that a woman is accused of a crime like that, and I say that the law ought to be so framed that a woman, when she knows her husband has committed a crime, especially one of that kind, should not only be permitted to testify, but compelled to testify, saving alone as to confidential communications made during the intimacy of the marriage relation.

Mr. GARNER. The gentleman is trying to make the distinction or impression here that in States where women have the right to vote they are undertaking to make a difference or distinction between the man and the woman about testifying. They are on an equality now under the law in this particular.

Mr. BRYAN. Oh, yes.

Mr. GARNER. Do you want to make them unequal?

Mr. BRYAN. They are on an equality on the face of the papers, but, as a matter of fact, there is the grossest inequality.

Mr. MANN. Of course the man is always the inferior.

Mr. BRYAN. He is not inferior when they get into court. I think the only thing that should be advanced here is an opportunity for a fair trial and conviction of crime when guilty and acquittal when innocent; and why in the world a crime like that of incest should be protected from the testimony of the woman who knows about it, and the husband allowed to go scot free, I can not understand, or why his wife, who desires to testify against him in a crime of that kind, shall have any restrictions imposed upon her being heard and the jury informed that if she testifies she simply does it from her own choice, I can not see. There should not be any such restriction. They should be removed. That is what I favor and that is what the women in the suffrage States insist on. But I understood that the Democratic Party is not a party of protection anyhow. But here we will have, when we consider section 108, an effort to reenact a law designed almost solely to protect the lowest class of criminals. Will the Democratic Party stand for that?

Mr. WATKINS. The only question is whether the words "or criminal" should be added after the word "civil." I ask for a vote, Mr. Chairman, on that proposition.

Mr. BARTLETT. Mr. Chairman, I just want to say a word. I call the attention of the gentleman from Washington [Mr. BRYAN] to what he is discussing there, section 108, concerning the testimony of the wife, and I suggested to him the "lawful wife" or "lawful husband," and he expressed great ignorance of the fact that that section did contain the words "lawful wife" or "lawful husband." I desire to call the attention of the committee to section 108 to show that I was correct and knew what I was talking about. In that section the language appears "the lawful husband or wife of the person accused shall be a competent witness," and in using the words "lawful husband or wife" I was absolutely correct, even if the gentleman was surprised that the words should be used in the section.

Mr. BRYAN. After all, what is accomplished by it? We were only talking about lawful wives. I told the gentleman it was immaterial.

Mr. BARTLETT. What the gentleman thinks or says is absolutely immaterial to me. I simply read it for the purpose of showing that when I used the words "lawful husband or wife" I was using the language of the present law, of this bill. I was accurate.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 107. In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors in the United States courts, Territorial courts, and courts-martial and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request, but not otherwise, be a competent witness; but his failure to make such request shall not create any presumption against him.

Mr. WATKINS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS:

Page 66, line 8, after the word "witness," insert: "but for or against himself and for or against any codefendant, and the giving of testimony without objection from the witness himself shall be deemed equivalent to a request by him to testify."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I would like to have the amendment explained.

Mr. STAFFORD. This is a very important amendment, and I think the purpose of it should be explained.

Mr. BARTLETT. Mr. Chairman, I would like to have it read again. I was trying to listen to it, but I could not hear.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. WATKINS. Mr. Chairman, the reason for offering this amendment is this: In the case of Frank M. Ryan against The United States several questions arose, one as to the effect of evidence from the standpoint of immunity. As a result of the decision in that case, because of statements made by codefendants, the Department of Justice thought that the latitude ought to be a little broader than it is in the original law, which is the section we are now considering. It is in response to the suggestion of the Department of Justice that the amendment is to be inserted at this place. As a general proposition the immunity granted to defendants who testify is entirely too broad under the law as it now exists. In cases where a man voluntarily makes statements which affect him, he should be granted immunity from prosecution. He should not be forced to testify. The Department of Justice does not give any very extensive reason why it suggests that this amendment be inserted, but the Ryan case is cited as a precedent and a reason why the amendment should be inserted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, on a division, demanded by Mr. WATKINS, there were—ayes 28, noes 5.

Accordingly the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 9, after the word "him," insert the following:
"*Provided*, That in any case where the defendant fails to testify in his own behalf, the court shall instruct the jury that no inference shall be drawn in considering the case against the defendant."

Mr. BUTLER. That is the law everywhere.

Mr. CULLOP. Mr. Chairman, in the trial of criminal cases in many instances the defendant does not take the stand and testify in his own behalf. The provision of law now is that no inference shall be drawn against the defendant for his failure to testify in his own behalf; but if the court does not instruct the jury that such is the law, in a great many instances the jury will not know that such is the law, and therefore they will take that as a circumstance against him, because he did not testify; and in very many instances that might be the controlling factor which would lead the jury to render a verdict against him. In many of the States where a statute like this prevails, there is a provision exactly like the one I have offered.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CULLOP. Yes; I yield.

Mr. HUMPHREY of Washington. I wanted to ask the gentleman if he ever knew of a court failing to give that instruction?

Mr. CULLOP. Yes; I have.

Mr. HUMPHREY of Washington. That is something new to me.

Mr. CULLOP. In the State from which the gentleman migrated to the State where he now lives there is a statute precisely like this. I have known courts to refuse to give that instruction. In one particular case, a homicide case, the court being orally requested to give that instruction, refused to give it, and when the case was appealed and that fact was alleged as reversible error, the Supreme Court held that the request was not made before the argument began, and therefore it came too late, and the case was affirmed on that kind of a technicality.

Mr. BARTLETT. That was the fault of the lawyer.

Mr. CULLOP. No; it was not the fault of the lawyer, because the lawyer had a right to suppose that the court would give the jury the instruction the statute required him to give, and he had no way of knowing, until after the court had instructed the jury, that the court would not follow the mandate of the statute.

Mr. WINGO. In what State was that?

Mr. CULLOP. The case I refer to is one of the adjudicated cases in the State of Indiana some 25 or 30 years ago. There the statute requires the request for instructions to the jury to be in writing, and that the request must be made in writing before the argument begins. Therefore the court affirmed that case on the technicality that the request was not made in seasonable time.

Mr. BUTLER. Do I understand the gentleman to say that the statute of Indiana requires the judge to instruct the jury as he has stated?

Mr. CULLOP. Yes.

Mr. BUTLER. And yet, the judge having failed to do what the law directed him to do, the Supreme Court held that he could not be reversed because the lawyer had failed to ask him to do what the law compelled to do?

Mr. CULLOP. Precisely.

Mr. BUTLER. That is a strange decision.

Mr. CULLOP. That is exactly the proposition.

Mr. BUTLER. And yet the lawyer had a right to anticipate that the judge would do what the law directed him to do.

Mr. CULLOP. Yes; but the statute left the censure, if any there was to be given, upon the trial judge, because the plain mandate of the statute was that a request for instructions must be in writing, and must be made before a certain stage in the trial was reached.

Mr. BUTLER. Yes; but as I understand the gentleman to state, the statute specifically directed that the court must on his own instance so charge the jury.

Mr. CULLOP. Yes; it certainly did; but the failure of the court to do so did not abrogate the other provision of the statute that the request must be made in writing before the argument.

Mr. BUTLER. But how could the lawyer know that the court would not do his duty?

Mr. CULLOP. He could not, and therefore the censure should not have fallen upon the court. The trial judge who tried this case afterwards became a celebrated lawyer in the State of the gentleman from Washington. The Indiana statute requires a fixed time within which the request must be made. It requires the request to be made in writing before the argument is begun. The request for this specific instruction was not made, and for this reason the failure of the court to give it was not reversible error. Unless the jury is advised of the law on this proposition inferences by the jury may be drawn against the defendant, and may be the cause of his conviction. Prudence, I insist, requires the adoption of this amendment.

Mr. HUMPHREY of Washington. I want to see if I understood the gentleman correctly. As I understood him, the Supreme Court of Indiana held that where the statute required the judge to instruct the jury, and the counsel for the defendant did not make that request, the supreme court held that therefore the judge was not compelled to comply with the statute.

Mr. CULLOP. No; the gentleman does not understand the proposition exactly right. The supreme court held that while it was the duty of the trial court to give that instruction under the statute, yet having failed to do it, and the request of counsel to have it done not having been made in seasonable time as required by the statute, it was not reversible error. Now, the adoption of this amendment will avoid difficulties of that kind and will require the court to give that instruction to the jury whenever a case arises.

And if the defendant in any case failed to take the witness stand and testify in his own behalf, it would be the imperative duty of the court to inform the jury that because of that failure no inference of guilt or innocence shall be drawn against the defendant, nor shall the matter be discussed by the jury.

The law surrounds a defendant with the presumption of innocence. That is a wise and humane provision, and all legislation necessary to uphold and enforce it should be adopted and constantly carried into effect. This amendment will assist in carrying out this policy of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CULLOP) there were 7 ayes and 8 noes.

So the amendment was lost.

Mr. MOORE. Mr. Chairman, would it be proper to inquire how the gentleman from Connecticut [Mr. DONOVAN] voted on this question? [Laughter.]

The CHAIRMAN. No. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3112. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

REVISION OF THE LAWS—JUDICIARY TITLE.

The committee resumed its session.

The Clerk read as follows:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the perso accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution with-

out the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Mr. BRYAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 66, line 12, after the word "prosecution," strike out remainder of the paragraph and insert the following: "or in any action or trial under any statute of the United States the husband shall be a competent and compellable witness against the wife, and the wife shall be a competent and compellable witness against the husband without restraint or limitation on account of the marriage relation existing between them, except that neither spouse in any criminal proceeding can be compelled to testify as to any statement or communication made by either spouse to the other during the existence of the marriage relation deemed confidential at common law."

Mr. LLOYD. Mr. Chairman, I want to ask unanimous consent that debate on this amendment may conclude in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the amendment be concluded in five minutes. Is there objection?

Mr. BRYAN. I object to that for the present.

Mr. LLOYD. But I will give the gentleman from Washington all the time.

Mr. BRYAN. I rather doubted the real purpose of the gentleman's request.

Mr. LLOYD. I ask unanimous consent that debate may be closed in 10 minutes.

Mr. BRYAN. Oh, if the gentleman insists on limiting debate, I will withdraw my objection.

Mr. WINGO. Mr. Chairman, will the gentleman from Missouri give me two minutes?

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in seven minutes.

Mr. STAFFORD. I do not see why any limitation should be put upon debate now.

Mr. LLOYD. Mr. Chairman, I move that all debate on this amendment be closed in seven minutes.

Mr. BRYAN. I make the point of order that that is out of order at this stage.

Mr. LLOYD. Very well, I will wait until the gentleman gets through.

Mr. BRYAN. Mr. Chairman, this leaves the law, if my amendment is adopted, as to confidential communications between husband and wife as it is now. It takes out the provision in the criminal action that the wife can testify against the husband if she wants to, and strikes out the question of consent of the husband. I believe there ought to be no restriction on the right or duty of a wife to testify against a husband or a husband to testify against a wife as to the facts which constitute evidence in a criminal proceeding. I do not believe that there ought to be any protection thrown around them in any case where a man is brought before the court accused of bigamy. It is seldom that a woman is ever accused of bigamy. A man is being tried and his wife is a competent witness, it says in this act, but shall not be required to testify in such a proceeding without the consent of her husband. That is absolutely silly, it seems to me; it is ridiculous, it is absurd, it is abhorrent to any idea of justice to say that a man being tried for bigamy before a court, if his wife is brought in to tell what she really knows to prove the act of bigamy, that she can not testify unless her husband says, "Now, Mandy; you go and tell the truth." In other words, at any time when the man is guilty his wife can not testify unless she will agree to swear falsely; but if he is innocent, or if she will perjure herself for him, she can testify.

Mr. WATKINS. Has the gentleman noticed the provision in line 15, "but shall not be compelled to testify in such proceeding"?

Mr. BRYAN. Yes; I may have stated the case a little strong; but it brings the woman into court and says to her, "You do not have to testify; you are not compelled to, and if you do testify you will do it voluntarily," and it puts a restriction on proving a case against the criminal, a privilege that he ought not to have. I do not see why a bigamist or a rapist should have any privileges other than to have justice and a fair trial under fair rules of evidence, and if a wife knows that he has committed bigamy or the other awful crime, why not let her testify without any legal reservations? Why inform her that she does not have to testify, although all other witnesses must testify? The State wants the truth and the whole truth, but this act would shield the criminal.

Mr. MOORE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MOORE. What would happen in the event the wife, seeking a divorce, should take advantage of an opportunity to testify against her husband so that it would involve his imprisonment, which in certain States would serve as a cause for divorce?

Mr. BRYAN. Does the gentleman mean to say that a wife could not testify against a husband in any civilized country in that regard? A divorce proceeding is a civil case and is not in point here.

Mr. MOORE. I do not see why the gentleman wants to force a wife to testify against her husband. It would be easy, if the wife wanted to get rid of her husband, to thus establish grounds for a divorce.

Mr. BRYAN. Would it not be easy for a son who wanted to get rid of his father to testify against him, or a friend who wanted to get rid of another friend? It would seem that the marriage relation itself is much more protection than should exist in fact. The natural love of the wife for a husband protects him.

Mr. BUTLER. But the friends are not married.

Mr. MOORE. The gentleman makes an exception in his own amendment in the relations——

Mr. BRYAN. I make an exception as to confidential communications.

Mr. MOORE. What does the gentleman mean by confidential communications between husband and wife?

Mr. BRYAN. I do not believe that a court ought to call a husband or a wife and say, "Did your wife tell you thus and so on a certain day," or to the wife, "Did your husband tell you this," and thereby search the proceedings in the home in an inquisitorial proceeding. But I believe when a woman knows a series of facts that are material, that ought to be told to the court, from other parties, or from things she has seen or heard, concerning the matters involved, or where the man knows facts, if the woman is on trial—and it is very few instances where the woman is on trial—that those facts ought to come out, and there ought not to be any restriction in cases of bigamy and incest and such crimes.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WINGO. Mr. Chairman, I would like to ask the chairman of the committee his interpretation of the present statute as set out in lines 15 to 17, inclusive. It says there that the husband or the wife shall not be compelled to testify without the consent of the husband or the wife, as the case may be. Does that mean this, that if a man is on trial and his wife is willing to testify she can not testify without his consent?

Mr. WATKINS. No. It means that she can not be compelled to testify without his consent. The word "compelled" is controlling there.

Mr. WINGO. Suppose she is willing to testify?

Mr. WATKINS. If she is willing to testify, all right.

Mr. WINGO. Then, can the court compel her to testify over the objection of the husband?

Mr. WATKINS. No; I do not think so.

Mr. STAFFORD. That is the effect of the present provision.

Mr. WINGO. In other words, is not the present law this, that where a man is on trial for any of the offenses mentioned in this section and his wife is willing to testify and the husband objects, then the court can not compel her to testify over the objection of the husband? In other words, does not the word "compelled" practically read "permission"? In other words, she can not testify if the husband objects. Is that true?

Mr. WATKINS. Yes.

Mr. WINGO. And is it not true in a great many of the States that the rule is this, that where the wife or the husband is the injured party then he or she is a competent witness in these matters? Is the gentleman prepared to state in how many States that is the rule?

Mr. BRYAN. It is the rule in most of the States.

Mr. WATKINS. I am not prepared to state.

Mr. WINGO. In all of the States in which I have practiced that is the rule. The Federal statute is just to the contrary.

Mr. WATKINS. Mr. Chairman, the word "compel" there in connection with the evidence of the husband or wife and the consent of the husband or wife, qualifies the language. The language "as the case may be," in connection with the word "compelled," means, if it is a husband who wants to testify, or if it be the wife who wants to testify, and it does not mean that if the wife wants to testify she can not be forced to testify without the consent of the husband, or the husband without the consent of the wife, but could not be compelled, if it were the husband or the wife, as the case may be, meaning that the husband, if he did not want to testify against the wife, could not be forced to do it, or if the wife did not want to testify against the husband, she could not be forced to do it.

Mr. WINGO. Let me see if I understand the gentleman. If a man is on trial for one of these offenses, and his wife is

willing to testify but the husband objects, then can the court compel the witness to testify?

Mr. WATKINS. I think so.

Mr. WINGO. Over the objection of the husband?

Mr. WATKINS. Yes; because, if you read the language there, "as the case may be," it means if the wife is willing to testify she may testify, but she can not be compelled to testify

Mr. WINGO. In other words, it is not left to the defendant, but entirely with the witness?

Mr. WATKINS. I think so.

Mr. WINGO. Is that the gentleman's contention of what the law is in the Federal courts?

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. TOWNER. I could not quite understand the gentleman, but as I understand the distinction made, the wife could testify now under the United States rule in favor of the husband?

Mr. WINGO. I have stated no proposition at all. I was asking for information to see what the gentleman's interpretation of the present law is.

Mr. TOWNER. The fact is that under the decision of the Supreme Court of the United States, which is followed in most of the United States courts in the Union, the husband or the wife can not testify in favor of the spouse.

Mr. WINGO. Can the wife testify against the husband?

Mr. TOWNER. No; of course she can not testify against him, but she can not testify either for or against except in this class of cases specified in the section.

Mr. WINGO. I am not talking about the general rule, but I am talking about these specific cases. Take bigamy, for instance. Does the gentleman say that where a man is on trial for bigamy, the wife could not testify against the husband without the consent of the husband?

Mr. TOWNER. Why, certainly. That would be the effect of the statute.

Mr. WINGO. That is all of the information I wanted to get.

The CHAIRMAN (Mr. HENSLEY). The question is on the amendment offered by the gentleman from Washington.

The question was taken.

Mr. BRYAN. Mr. Chairman, I demand a division. I want to see who are for protection in this matter. I do not stand for bigamy.

Mr. WINGO. I will stand with the gentleman this time.

The committee divided; and there were—ayes 2, noes 12.

So the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 66, line 10, after the word "any," insert the word "case."

Mr. TOWNER. Mr. Chairman, I think there should be no question but that the amendment should be adopted. I call the attention of the chairman of the committee to the fact that this refers to a proceeding or examination. Of course the most important thing is the trial of a case. The word "case" should be inserted following the word "any."

Mr. WATKINS. Yes; if the question were asked me as to whether there is an objection, I would state that there is; but even from the gentleman's standpoint it would make no material difference in the use of the language. The word "proceeding" would be a broader word than the word "case," and particularly when it refers to a proceeding before a grand jury. The word "proceeding" is more appropriate than the word "case," because there is not always a case before a grand jury.

Is that the question the gentleman desires answered?

Mr. TOWNER. No; I am adding that word, not striking out the word "proceeding."

Mr. WATKINS. I thought the gentleman was striking out the word "proceeding."

Mr. TOWNER. Oh, no; certainly not. I am just simply adding the word "case," so it will read, "in any case, proceeding," and so forth.

Mr. WATKINS. Does the gentleman insert a comma after the word "any"?

Mr. TOWNER. No; it will not be necessary. Yes; that is all right.

Mr. WATKINS. If a comma is placed there, I do not see any particular objection.

Mr. BRYAN. I would like to ask the gentleman, if you put the word "case" and make it "any case or prosecution," will not you extend it to a civil matter and probably complicate the civil proceedings? If you say, "in any proceeding or in any case" and do not say any criminal case, then you do not know where you get to. I think it is bad enough to have it all mixed up with divorce cases and everything else.

Mr. TOWNER. There is nothing, of course, in that objection at all, because it specifically says to what it applies.

Mr. STAFFORD. Mr. Chairman, I desire to be recognized in opposition to the amendment. The purpose of my rising is to obtain information from the chairman as to the need of this provision at all. Since the chairman has applied the law of evidence as to the competency of witnesses to criminal proceedings as well as civil, when this section was intended to cover the law of evidence so far as husband and wife are concerned, and certain limited criminal proceedings, I direct the inquiry, What is the need now of having this provision in order to apply the laws of the State to all criminal proceedings?

Mr. WATKINS. To begin with, I will state the gentleman is mistaken in reference to the chairman of the committee inserting the language "criminal" in the preceding section.

Mr. STAFFORD. I was absent from the Chamber for a few moments at luncheon and find out it has been accepted, and I desired some information.

Mr. WATKINS. I was very particular about qualifying the language that it did not interfere with the other provision of the statute and the qualification was not particularly opposed by the members of the committee in reporting this bill, but I certainly would have been opposed to it if it had not been qualified, for this reason: This section upon which we are now is a statute of the United States which regulates the character of testimony in reference to husband and wife which shall be given in a case designated. This particular class of evidence in this section was provided for, and if the preceding section had not been amended by putting the word "criminal" in there and leaving in there the qualified form of language, then, when it comes to trying this class of cases by the State court, the evidence would be governed by the laws of the State court, and we want this language to remain in here to protect this particular class of cases, because we want the statute as it is now standing to remain intact in reference to the character of cases described by this particular section.

The CHAIRMAN (Mr. HENSLEY). The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. TOWNER. Division, Mr. Chairman.

Mr. WATKINS. Mr. Chairman, I think before we have a vote there should be a comma after the word "case," and then it would be all right.

Mr. TOWNER. If the gentleman will permit, I will ask unanimous consent that the comma may be inserted.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What was the decision of the Chair on the vote?

The CHAIRMAN. The ayes have it.

Mr. WINGO. What became of the request for a division?

The CHAIRMAN. The Chair did not recognize anybody to call for a division.

Mr. WINGO. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Does a gentleman have to be recognized in order to ask for a division?

The CHAIRMAN. Some one has to ask for a division.

Mr. WINGO. There was one called for, and I rose and would have asked for it if the other gentleman had not.

The CHAIRMAN. The question is on the amendment as modified.

The amendment as modified was agreed to.

The Clerk read as follows:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, line 19, after the word "cohabitation," insert "or violation of the white slave traffic act, being the act of June 25, 1910, chapter 395, page 825, volume 36, United States Statutes at Large."

Mr. STAFFORD. Mr. Chairman, may we have that amendment reported again?

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, the object of that amendment is simply to add to the list in which this privilege may be granted. The list given consists of "bigamy, polygamy, or unlawful cohabitation" and the amendment adds to that the fur-

ther provision that the provisions of this section may apply also to prosecutions under the white-slave traffic.

Mr. WINGO. Take a concrete proposition. If the gentleman's amendment is carried, would it mean that where a man is tried charged with a violation of the white-slave act and his wife was willing to testify and he objected, then the court could compel her to testify?

Mr. TOWNER. I think not. I will say to the gentleman, however, that that is not altogether clear, because the language is "shall not be compelled to testify." The court could not compel her to testify. I think it would be necessary for her to claim the privilege, and I do not believe in such a case as that, and under the provisions of this section the husband's protest could have any force or avail at all.

Mr. WINGO. I do not think the gentleman gets the point. A man is on trial and his wife is willing to testify, but the man objects; then under this law the court could not compel the wife, over the objection of the husband, to testify.

Mr. TOWNER. Certainly not. That is a diversion from the explanation I desire to make in regard to this necessity for this section of the statute.

I want to call attention, Mr. Chairman, to a statement made by a United States district judge from his experience as to the necessity for this character of legislation. He says in the recent letter to me:

> Section 108 of your proposed new code provides that the wife of an accused may be called but not compelled to testify against the husband in cases of bigamy, polygamy, or unlawful cohabitation. It seems to me that that clause which provides that she shall not be compelled to testify largely nullifies that which precedes. But that is of no special interest to me, because those cases of bigamy and polygamy, I suppose, seldom arise outside of the Pacific Coast States, like Utah, Nevada, and Idaho.

Mr. BRYAN. Will the gentleman yield there?

Mr. TOWNER. No; I will not.

Mr. BRYAN. That is an insult to the Pacific coast, an outrage.

Mr. TOWNER. He says further:

> But there is a matter of very great interest to me, namely, whether the wife shall be allowed to testify against the husband in white-slave prosecutions where the wife is the "white slave." The number of such cases is large. I presume that the past three years I have had an average of four to six per year, and I have been allowing the wife to testify over the objection of the defendant. It is astounding as to the frequency that the wife is compelled to enter into this life of shame and earn money for her degraded husband. Then we have cases where they are not married, but, with the hope of avoiding a prosecution, they get married. A case is now pending in the United States circuit court of appeals for this circuit to review my holding that the wife can testify. Should there be a reversal such announcement will represent an end to the prosecution of the worst class of these cases. Why Congress does not correct this I do not know; perhaps because its attention has not been called thereto.

I will say in this connection, Mr. Chairman, that some of the United States judges are now holding—in fact, most of them are now holding—that in such cases the wife can not be compelled to testify against her husband even when she so desires to do.

Mr. BOOHER. Will the gentleman yield just there?

Mr. TOWNER. I will.

Mr. BOOHER. Now, as I understand the gentleman, he thinks that under section 108 as it is now the wife or husband may be called as a witness, but if the wife is called and the husband is on trial she can not be compelled to testify if her husband objects?

Mr. TOWNER. She can not be compelled in any event, whether she raises the objection herself or whether her husband induces her to raise it.

Mr. BOOHER. I am talking about this section. If it is as the chairman of the committee explained to the gentleman from Arkansas [Mr. WINGO], then I am opposed to your amendment. But if the law means that the wife, being the injured party in a white-slave act, can be called to testify, then I am for your amendment.

Mr. TOWNER. I do not think there is any question about it; at least there is not in my mind.

Mr. BOOHER. There is in my mind a very serious question about it. The rule is different in the United States courts than in the State courts. In the State of Missouri the rule is that the wife being the injured party is always a competent witness. Why not put it in here now, so that there may be no mistake about it, where in a white-slave case or a bigamy case she is the injured party? Why not permit her to testify whether with his consent or the consent of anybody else?

Mr. TOWNER. I am discussing the question only of adding the white-slave prosecution to this list that is already given.

Mr. BOOHER. But I want to know whether he construes this to mean what the chairman of the committee construes it to mean?

Mr. TOWNER. I do not, if the gentleman has stated it as I understand it.

Mr. BOOHER. Why not make it so that there can be no question about it?

Mr. TOWNER. I have no objection to that. Let the gentleman offer the amendment.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TOWNER] has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I also desire to call the attention of the committee to a letter which I received from a United States prosecuting attorney in regard to this matter. He says:

> There is one very important matter I want to call your attention to. In my judgment, section 108 should be made specific on the proposition of allowing the wife to testify against the husband in cases under the so-called white-slave act.
>
> We now have pending in the circuit court of appeals an appeal from a case tried in this district, most revolting in its nature, wherein conviction depended absolutely on Judge McPherson's permitting the wife to testify against the husband.
>
> I am sure, in this district, over half of the cases are those where a man is peddling his own wife. If the circuit court of appeals shall hold as is contended for by the appellant I have in mind, it will nullify the prosecution of the most important cases under the law. It is a very close question as the law now is, because, in order to make it admissible, the courts have to hold that it is on the theory that it is a personal act as against the wife that has been committed.

Mr. Chairman, I think there can be no question about the necessity of adding this class of prosecutions to those already contained in the provisions of the statute as presented by the committee. And I want to make this further statement with regard to the question. I think that in order to bring the United States statutes up to the standard that has been adopted by at least a majority of the States of the Union, we ought in all cases to allow the wife to testify for her husband. That is, so far as I know, the law in every State of the Union.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TOWNER. Just let me finish this, if you will. And we also ought to add a provision in section 108 which will allow in these particular cases, where the offense is at least in part an offense committed against the wife herself, giving the wife the privilege in such cases to testify against the husband.

Now I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I am not so much interested, I will say to the gentleman from Iowa, in his amendment as I would have been if the amendment had not been made to the first section under this subdivision, and that was that the rules of evidence of the different States, the jurisdiction in which the Federal case was tried, should apply in the competency of witnesses and the admission. In my State the wife or husband is a competent witness for or against the other, except as to confidential communications during the time of their marriage.

Now, can the gentleman give any reason why, if a wife is a competent witness for her husband with or without his consent, she should not be permitted or compelled to testify against him in a criminal prosecution with or without his consent?

Mr. TOWNER. I will not go into that question, I will say to the gentleman. I am not sure but I can go even as far as he does, but the gentleman will understand that this first section under this title was changed. I opposed it in the belief that it is an unwise provision, because I think we ought to put the United States laws on the standard we think justifiable, regardless of the action of the States.

Mr. CULLOP. But will the gentleman yield there? We have made, I will say to the gentleman, some progress in that line, where the rules of evidence by statute, in some of the States at least, are liberal and fair and humane, by the insertion of the gentleman's amendment.

Mr. TOWNER. I think the law of most of the States is much more liberal and humane on those subjects than that of the United States at present. And what we ought to do now, I will say to the gentleman, is to put the United States law, independent of what may be the law of the States, on the standard that it should occupy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I think I can agree with the suggestions made in the letters which the gentleman has just read, but I fear that he has misinterpreted the request that has been made of him. I agree with the statement of those letters that this section 108 is vague and is susceptible of the three different constructions that have been placed on it by three different Members this afternoon. I think it ought to be cleared up. My view on this question is this: That in any of these cases the wife or the husband ought to be a competent witness against the husband or the wife, especially in these cases where they are injured parties.

Now, what does the gentleman propose to do by his amendment? As I am informed, in these white-slave cases the court has been permitting the wife to testify, on the theory that she is the injured party, following the rules that most of the States have, that where the wife is the injured party she could testify. But it is owing to the ambiguity of the statute that the gentleman wrote to the gentleman from Iowa concerning the case on appeal.

If you put that in here, as I understand the interpretation of the statute, you will have this: Although the wife may be willing to testify in white-slave cases, if the husband objects they can not compel her to testify. I do not want to see closed the mouths of these women, because on the testimony of the wives in these cases the Government must rest its chances of convicting the defendants.

My idea about it is this: We can follow out the suggestions made in the letters read by the gentleman; we can make the law clear, as suggested by the gentleman from Missouri [Mr. BOOHER] a moment ago, by cutting out the lines 15 and 16, "but shall not be compelled to testify in such proceedings, examination, or prosecution." Then the statute would read this way: "The lawful husband or wife of the person accused shall be a competent witness, and may be called without the consent of the husband or wife, as the case may be." That would make it clear and make the law speak what the law wants to speak; that is, where the wife or the husband is the injured party, they can be compelled to testify without the consent of the other, except as to confidential communications during the existence of the marriage relation.

Mr. ANDERSON. Would not that same result be accomplished by striking out line 17?

Mr. WINGO. No; I think not; because you would have the line, "but shall not be compelled to testify in such proceeding, examination, or prosecution." That is what you would have, and that would be unwise and worse than it is now.

Mr. ANDERSON. She could testify, but could not be compelled to testify.

Mr. WINGO. In these white-slave cases I do not think the burden should be placed on the women. In such cases those women are in fear of their husbands, and that is why they have submitted. But I believe the Government's hand ought not to be stayed by these women who are in fear of their lives, and so they ought to be allowed to testify against their husbands. I would favor any amendment that would clear up the statute and place them right where there would not be any question of doubt about it.

Mr. CULLOP. Mr. Chairman, I should think that there ought to be stricken out the provision, "but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife."

Now, if gentlemen can give any good reason why the husband or wife should not be a competent witness against each other, except where confidential communications are involved, I am unable to understand. In many of the States of the Union there are statutes enacted to the effect that they are competent witnesses and may be compelled to testify. There are many crimes that can not be apprehended, where convictions can not be had by any other testimony than the testimony of one or the other. The defendant is a competent witness to go on the stand in a criminal case in his own behalf. He is surrounded by the presumption of innocence until he is proven guilty, and the court must so tell the jury, and that presumption must be overcome by evidence of guilt beyond a reasonable doubt; and yet the interest of society, they say, would be invaded if you were to compel the wife by statute to testify as to what she knows about the facts in the case, whether for or against the husband.

Now, one of two things must necessarily follow: Either that it is believed that the wife would not be a truthful witness, but would always give testimony in behalf of her husband, and would refuse to disclose the facts, or else that the interests of society need no such protection from violations of law. Now, why prevent the wife, in the interest of enforcing the criminal law, in the interest of protecting society, in the interest of upholding law and decency, from being brought into court and compelled to testify to the fact in a prosecution against her husband? Such is the law in many of the States of the Union to-day, and it has not worked any such troubles in married households as some gentlemen here have thought it as a law would do.

It has not been productive of divorce cases or family disruption or family disorder, but it has been a salutary law, and has tended to the keeping of the criminal laws of the State, to the enforcement of the laws, and sustained prosecutions in which there was merit, and there are many instances where they could not have been made out in any other way whatever.

Now, this amendment offered to section 1 of this subdivision, so far as the law is concerned in my State, makes the rules of evidence conform in the Federal court to the rules of evidence in the State court, and the wife there may be called to testify if the prosecution desires it. She may be compelled to testify, as she ought to. Society is interested in apprehending what the truth is, in ascertaining the facts; and the Government or State ought to be permitted to use every available means at its command, and not be prevented by statute from using any of them that are fair, upright, and honest for the purpose of ferreting out and convicting violators of the criminal laws.

Now, we all admit that the procedure in the Federal courts of this country is an antiquated procedure. It is as old as the Government. No progress has ever been made in it. The same rules apply to instructions to the jury, to taking cases from the jury, to the introduction of evidence, that were brought about in the early stages of the Government. There ought to be a change in this respect, and the Government should keep pace with the States of the Union in this respect.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BRYAN. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] spoke by the card when he spoke of this section and used the term "privilege." The section does embody privileges, and the privileges are privileges in favor of bigamists and in favor of polygamists and those who are accused of unlawful cohabitation and the perpetrators of incest and matters of that kind. His amendment, if adopted, will extend the privilege to the violators of the white-slave act.

It is true enough that the gentleman does not mean to extend the privilege, but this section does extend the privilege. The only excuse for the section is that brought out by the gentleman from Arkansas [Mr. WINGO] and others, that polygamy is supposed to be a crime against the woman, for instance, or against the husband, whichever the case may be, and that therefore it does not come within this inhibition.

The gentleman from Missouri [Mr. BOOHER] brought that out. But that is not the case at all. Bigamy is held by the man judges of this country not to be a crime against the woman at all any more than murder of the husband would be or assault upon the husband. It is not a crime against the woman, and therefore it is not subject to the protection that the gentleman thought. In the case of Bassett *v.* The United States (137 U. S., 506), which is a widely cited case, where the question of bigamy is involved——

Mr. BOOHER. Does that case hold that a wife is not the injured party in the case where the husband is guilty of bigamy?

Mr. BRYAN. Yes.

Mr. BOOHER. I should like to know what State it is from.

Mr. BRYAN. It is from the United States of America, and was decided by Mr. Justice Brewer.

Mr. BOOHER. Where was the crime committed?

Mr. BRYAN. The crime was committed down near Missouri, in the State of Illinois, I believe. [Laughter.] No; it was a Utah case, but they cite an Illinois case:

> We conclude, therefore, that the section quoted from the Code of Civil Procedure, if applicable to a criminal case, should not be adjudged as working a departure from the old and established rule unless its language imperatively demands such construction. Does it? The clause in the Civil Code is negative and declares that the exception of the incompetency of wife or husband as a witness against the other does not apply to a criminal action or proceeding for a crime committed by one against the other. Is polygamy such a crime against the wife? That it is no wrong upon her person is conceded; and the common law exception to the silence upon the lips of husband and wife was only broken, as we have noticed, in cases of assault of one upon the other. That it is a humiliation and outrage to her is evident. If that is the test, what limit is imposed? Is the wife not humiliated, is not her respect and love for her husband outraged and betrayed, when he forgets his integrity as a man and violates any human or divine enactment? Is she less sensitive, is she less humiliated, when he commits murder, or robbery, or forgery, than when he commits polygamy or adultery? A true wife feels keenly any wrong of her husband, and her loyalty and reverance are wounded and humiliated by such conduct.

The law of the United States, as cited in the various State courts, holds that bigamy is not an offense against the woman at all. It is an offense against the public, and so it does not come under this protection.

Mr. BOOHER. Will the gentleman permit another question?

Mr. BRYAN. Yes.

Mr. BOOHER. Does the gentleman know of any State which holds that a woman is not an injured party in a bigamy case?

Mr. BRYAN. The United States holds it, and that extends everywhere throughout this country, and we are only enacting Federal law now.

Mr. BOOHER. The Federal law does not control in the courts of your State or mine.

Mr. BRYAN. Your State took this decision, and the judge there said he was bound by it, and any State court will follow the United States court.

Mr. BOOHER. Oh, no; not against their own statutes or decisions.

Mr. BRYAN. I am talking about these statutes. We provide that the State law shall control, except cases coming under this section 108, and we are thus making a law that will control in this country, above State statutes, where the crime is committed under Federal jurisdiction, and it is attempted now to include violations of the white-slave law, in this specially privileged class; and it is proposed that a woman shall be called as a competent witness in a white-slave case, but shall not be compelled to testify unless her husband consents. In other words, if the husband is innocent he can say, "Wife, testify"; but if he is guilty he will say no. Or if the woman will agree to perjure herself he will say testify; otherwise she is to stay at home. Such a law is an outrage and should be a stench in the nostrils of decent people.

Mr. STAFFORD. Mr. Chairman, I quite agree with the gentleman from Arkansas [Mr. WINGO] that the effect of the amendment of the gentleman from Iowa would be just the contrary to what he intends, and that if we include violations of the antiwhite-slave-traffic act in this provision, as suggested by his amendment, we will throw the protecting arm of the statute around the husband so as to prevent the wife from testifying. Now, I think a close reading of this section shows that the husband and wife are only qualified to testify in three cases, namely, bigamy, polygamy, and unlawful cohabitation. I have here a decision of the Supreme Court of the United States—Gross v. United States, One hundred and fiftieth United States—in which the Supreme Court positively lays down the rule that a wife is not a competent witness either for or against her husband in a murder trial. The district judges throughout the country have been criticizing this very section. When we were last considering this bill the distinguished gentleman from New York [Mr. CALDER] read some correspondence from a Federal judge in his district, in which he protested against this limitation of the competency of wife and husband in criminal actions; and it was suggested by his letter that an amendment be proposed so as to enable wives and husbands to become witnesses in all criminal proceedings except these three cases of bigamy, polygamy, and unlawful cohabitation; and he suggested this amendment. I wish gentlemen having the bill before them would follow me, because I intend to offer it as soon as the pending amendment is voted upon.

Strike out, in line 12, the words "for bigamy, polygamy, or unlawful cohabitation" and insert those same words after the word "but" in line 15.

The effect of that transposition will be to make husbands and wives competent witnesses in criminal actions; but there will be this limitation, that in any prosecution for bigamy, polygamy, or unlawful cohabitation, they shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be. They will be competent witnesses, but it must be with the consent of the witnesses themselves before they will be competent.

Mr. WINGO. As I understand, your proposition is to make husband and wife competent in every class of criminal cases, with the consent of either party, except in these three classes of crimes.

Mr. STAFFORD. It is.

Mr. WINGO. Why does the gentleman make a distinction there?

Mr. STAFFORD. They will be competent in these cases, but they must have, first, the consent of the witnesses themselves, the husband or wife.

Mr. WINGO. Now, why do you make that distinction?

Mr. STAFFORD. In this correspondence which I had the pleasure of reading last week this distinguished judge made that recommendation. I have not given it thorough consideration in the midst of other work connected with the business of Congress during the last week, but I can see where in the peculiar domestic relation cases of bigamy, polygamy, and unlawful cohabitation the wife should not be compelled to testify without her consent. I think generally the husband and wife should be competent witnesses in all criminal cases, and that is the purpose of the amendment that I shall offer as soon as this is disposed of.

Mr. BARTLETT. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BARTLETT. Is it not a fact that this language in reference to bigamy and unlawful cohabitation found its origin in what is known as the Edmunds Act in reference to polygamy in Utah and western territory?

Mr. STAFFORD. That may be the historical source of it.

Mr. BARTLETT. And if the gentleman's amendment succeeds he will in a great measure weaken the enforcement of the law known as the Edmunds Act against these crimes in Utah and other States where Mormonism has existed.

Mr. STAFFORD. The gentleman probably is in accord with my idea, and that is that the husband and wife shall become witnesses in a criminal action.

Mr. BARTLETT. I think the husband and wife ought not to be permitted to testify for or against one another except for offenses or crimes committed against the person of the other.

Mr. STAFFORD. Then the gentleman, as far as his position is concerned, is not in accord with the policy in most of the States.

Mr. BRYAN. Does the gentleman restrict that to cases against the person, cases where an attack is made? What kind of cases does the gentleman restrict it to?

Mr. BARTLETT. In my State a husband or a wife can not in a criminal case testify for or against each other except for offenses committed against one another.

Mr. BRYAN. Would that include bigamy?

Mr. BARTLETT. No; it would not.

Mr. BRYAN. You would not want to hear the testimony of a wife against her husband in such a case; you might convict him.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is an amendment pending?

The CHAIRMAN. There is.

Mr. STAFFORD. There is an amendment pending, offered by the gentleman from Iowa [Mr. TOWNER]. I would like to submit this inquiry or proposition to the gentleman from Louisiana: The gentleman from Louisiana has made one statement as to the law in regard to the competency of husband and wife prevailing in the United States courts. The gentleman from Iowa, Judge TOWNER, has made a different statement. There is confusion as to that proposition. Here is an important provision relating to testimony in courts to be given by the husband and wife, and I want to know if the gentleman from Louisiana would have any objection to passing over this section so that he and other members of the committee can give consideration to the amendments that have been suggested.

Mr. WATKINS. Mr. Chairman, I have been very indulgent in that matter of passing over sections and then going back, and I find that it consumes too much time and breaks into the succeeding day.

Mr. STAFFORD. Very well.

Mr. BOOHER. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Iowa under one construction and opposed to it under another. If this amendment is adopted, and then the balance of the section should remain as it is, I do not believe under proper construction of this statute a wife could testify against her husband in a white-slave case. I think everybody agrees in a case of that kind that the wife ought to be a competent witness. I do not know how the crime can be proven without it. Now, if we adopt the amendment of the gentleman from Iowa, leaving the balance of the section as it is, as I construe the section, the wife could not testify in a case of that character. The courts have held that she can testify, putting it under the common-law rule. I suppose, that she is the injured party and a competent witness. They could not do it under this section of the statute, and there is no statute governing it. If I could be assured that the amendment I shall offer would be adopted, I would vote for the amendment of the gentleman from Iowa. Without that assurance I am going to vote against it, because I do not want to deprive the Government of the right to use the wife in cases of this character. After the amendment of the gentleman from Iowa is voted upon I will offer another amendment.

Mr. COX. Mr. Chairman, may we have the amendment offered by the gentleman from Iowa again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—ayes 2, noes 6.

So the amendment was lost.

Mr. BOOHER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 66, line 15, strike out all after the word "called," in line 15, page 66, down to and including the word "testify," in line 16.

Mr. BOOHER. So that it will read:

The lawful husband or wife of the person accused shall be a competent witness, and may be called in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

Mr. BRYAN. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. BRYAN. I think I agree with the gentleman in his purpose, but if he does that he will interfere with the confidential-relation provision.

Mr. BOOHER. No; that is still in.

Mr. BRYAN. Would it not be better to strike out all after the word "witness," in line 15, down to the word "and," in line 18, so that it would read:

The lawful husband or wife of the person accused shall be a competent witness, and such witness shall not be permitted to testify—

And so forth?

That makes a competent witness of either without the consent of the other.

Mr. STAFFORD. If the gentleman's amendment is adopted, how are you going to provide for the competency of the wife in the prosecution under the white-slave act?

Mr. BOOHER. Well, that amendment ought to have been delayed until after this one has been passed upon.

Mr. STAFFORD. I suppose the gentleman would have no objection to returning to it afterwards to incorporate it.

Mr. WATKINS. Mr. Chairman, I want to state that I am thoroughly satisfied that these words "unlawful cohabitation" would cover the white-slave cases.

Mr. BRYAN. Not necessarily.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The question was taken, and the amendment was agreed to.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. The amendment just adopted offered by the gentleman from Missouri strikes out these words in lines 15 and 16, "but shall not be compelled to testify"?

Mr. WATKINS. Yes.

Mr. WINGO. Mr. Chairman, I offer an amendment to strike out these words in lines 12 and 13, "for bigamy, polygamy, or unlawful cohabitation."

The CHAIRMAN (Mr. RUSSELL). The Clerk will report the amendment.

The Clerk read as follows:

Page 66, lines 12 and 13, strike out the words "for bigamy, polygamy, or unlawful cohabitation."

Mr. WINGO. Mr. Chairman, if this amendment is adopted the statute will then read:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner in any prosecution under any statute of the United States the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other during the existence of the marriage relation deemed confidential at common law.

In other words, you would not have any exceptions in the law. As the statute now stands you make an exception in favor of three classes of crime—polygamy, bigamy, and unlawful cohabitation. If you adopt my amendment, it would be simply this, that in any case under any statutes of the United States bigamy, polygamy, the white slave, or illegal cohabitation or anything else, the wife shall be a competent witness against the husband and may be called without the consent of the husband. I can not understand why there should be one rule of evidence with reference to one class of these crimes and another rule of evidence with reference to another class of the crimes that may be of the same generic class but of different statutory expression or denomination.

Mr. BRYAN. Mr. Chairman, I desire to speak on this amendment.

The CHAIRMAN. Does the gentleman desire to speak against the amendment? The Chair will recognize the gentleman.

Mr. BRYAN. Mr. Chairman, I am in favor of this amendment, and I want to take advantage of the opportunity to say that that is exactly the amendment which I proposed originally, except in somewhat different language, to which the gentleman from Missouri [Mr. LLOYD] suggested that there should be only five minutes of debate, and the matter then be forgotten immediately, by inference. That is exactly the amendment that provides for open testimony as to wife or husband, makes each of them competent in any case to testify to all facts except as to privilege communications.

Just one thing more. A while ago when my friend the gentleman from Iowa [Mr. TOWNER] was reading he read that certain mentioned crimes were committed almost exclusively out on the Pacific coast, and I said that that was a reflection upon the coast. I want to call attention while on this subject to the fact that the Pacific coast—the State of California—furnished the case that was known all over this country and that awakened the conscience of the people all over this country to the necessity of the enforcement of the white-slave act; that the same kind of crime had been committed in other States and had been talked about tremendously, and in other States of the Union, but out there there was opposition, and there was a trial. Such a force of public opinion was felt that the President took the matter in hand and forced a trial of the Diggs-Caminetti cases. Gentlemen on this side of the House said that the prosecuting attorney out there was guilty of demagoguery; that he was playing to public opinion, and that means that public opinion in California decreed that those cases must be prosecuted; that those individuals must be brought to trial. There was a different kind of sentiment in California than existed elsewhere. There was some reason for this different kind of sentiment, and that was this thing that some please to call "feminism." It was a case of the women in California asserting themselves. If you say that that Federal district attorney was a demagogue, you say that public opinion was back of him, for demagogues play to public opinion. If he was honest and faithful and patriotic, and I would say that he was, that he is entitled to all credit, then you again recognize a public sentiment that accorded support to the official. A man can not discharge his duties in this country when public opinion does not back him up. We can not enforce laws that public opinion does not want us to enforce. The truth is the women of California demanded law enforcement—their love of home, of the highest possible conception of home, got into action and put nerve and backbone into the Government official. When you come to the Pacific coast you will find that we are knocking out all of these laws about extraordinary corroboration in crimes against sex morality. We raise the age of consent and enact laws to punish that kind of criminals instead of protecting them, as this bill proposes to do. From the medieval ages all the way down the laws have been designed especially by men to protect them in the commission of this kind of crime. The women are not the guilty ones, and the men who say so are guilty and filthy in their thoughts. The women who gave out a little statement here the other day that I have already mentioned, which was published in the Washington Post and referred to free love and suggested that equal suffrage was complicated with the doctrine of free love, were speaking from filthy minds, and the evil was with them. I wish the authors of that low-down suggestion had been men, so I could go after them. It was contemptible for them to give out any such statement as that, and I have heard that repeated, and we who represent States where women vote are not going to stand for it. The women of our States out there are causing purer laws to be made and are protecting purity in enactments. They are procuring better environments for their boys and are laboring for the establishment of safeguards about their boys.

They are not tending to free love, and any such reference as that is abominable and could only be the product of perverted minds. I am very glad to see that we have finally won this fight on this floor and that this bill is going to be amended as suggested unless the Democratic donkey kicks some Democrats into line that are perhaps now out of the Chamber, and that all these delicious legal privileges for bigamists and rapists and men who violate womanhood will be taken away from them and that they will not be able to hide behind the protection that the wife can not testify unless they allow it; that the wife can not speak against them unless they let her speak; and I am glad to see there is a much better sentiment now on this proposition.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to restore the words "to testify" to the amendment offered by the gentleman from Missouri [Mr. BOOHER].

Mr. WATKINS. Mr. Chairman, that can be attended to in a minute. This amendment seeks to throw down the bars and allow the husband or the wife to testify in any proceeding in court, be it civil or criminal. From the foundation of the world up to the present time the sacred relations between a man and a wife have been recognized and protected. They have been recognized in the marriage ceremony for all time as one—their thoughts, their impulses, their loves, and their affections. There have been safeguards thrown around this marriage tie through the instrumentality of the law from the inception of the law, from the time that civil law was first known, up to the present time. The object of this amendment is to break down that principle of law, which is to establish and maintain the sacredness between the husband and the wife and to perpetuate the sacred relationship in the household. The object is to allow the hus-

band to testify in all instances where the wife is interested and the wife to be called in where the husband is interested, that they may be mutual witnesses one for the other or one against the other.

It will go further toward breaking down the marital relations and disrupt the home than anything that might possibly be conceived of. It is perfectly permissible for the wife to testify or the husband to testify in the cases enumerated in this section which we now have under consideration, because in this section it is the acts denominated there committed, either by the husband or the wife, that are a disruption of the home, a violation of the marriage vows, and a disregard of the sacred relations which exist between husband and wife; but when you go beyond that, when you go out into the wide domain, it may go out into investigations of crime which has been committed and in suits which have been brought, and in allowing the husband and the wife to mutually testify, one for the other or one against the other, you are simply accumulating evidence, because the husband is not expected, except in this section, where the marital relation has been disrupted and the marriage vows have been violated, and there is friction in the family—it is not expected that the husband testify against the interest of the wife, and no true wife would be expected to be placed upon the witness stand to testify against the interest of her husband except in these cases, and the general law has gone far enough, in my opinion, in the section which we have now under consideration. In this connection I wish to say that so far as the amendment which was voted down in reference to the white-slave traffic a while ago, I do not think it is at all material, because the statute now protects that very class of cases as it is now worded. I did not vote upon it one way or the other, because it was immaterial, in my opinion. But I am strenuously opposed to the amendment——

Mr. BRYAN. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. BRYAN. The gentleman says this amendment would disrupt; but does not the original statute, the words we are trying to strike out, authorize the testimony between husband and wife? In other words, the rule would be one way when he is guilty, and when he is innocent the rule would be otherwise.

Mr. WATKINS. I regret I can not agree with the other Members here as to the interpretation of the language. I think it is sufficiently safeguarded by the expression used. The words in line 17, "as the case may be," seem to have been lost sight of in this discussion. Those words are meaningless unless they mean that when the husband is offered as a witness he can not be compelled to testify for or against the wife, and the wife can not be compelled to testify for or against her husband unless she is willing. That is my interpretation of that language. The word "compelled," construed together with the other words there, "as the case may be," read after the words "husband and wife," I think clearly show that is the intention.

Mr. BARTLETT. Mr. Chairman, just a word. The humanity of the law, the wisdom of the law, and the wisdom of ages sanction the doctrine that, except in certain cases where the offense committed by the husband or the wife is an offense against the wife, the one or the other should not be permitted to testify for or against the other. Since the creation of man and woman in the Garden of Eden they have been regarded as only one, living in the holy state of matrimony; but the humanity of the law, the wisdom of the law, and the experience in the long administration of the law show that it was civilization and the advancement of civilization, and the enforcement of the law, that when an offense such as bigamy, polygamy, or unlawful cohabitation, or assaults upon the wife or the husband by one or the other, it was proper that they should testify one for the other, and therefore I have voted for the amendment of the gentleman from Missouri, which did not leave that matter to be determined either by the consent of the husband or wife, but they were compelled to testify. We all know how this got to be in this statute here. This statute, as I understand it, makes an exception in the case of polygamy, bigamy, or unlawful cohabitation, and in 1882 and 1887 it was the result of an agitation against the offense against morals in Utah and those States where polygamy was practiced under the Mormons, known as the Edmunds Act. That was the first time we had, as I recollect, in the statutes of the United States a provision for those cases.

Why, you take a wife or a husband charged with murder or with an assault upon some one else, or any other crimes known to the criminal law—whether she wants to or not, whether she consents or not, she is compelled to go upon the witness stand at the direction of the prosecuting officer and testify against her husband. We had that sort of thing in the Dark Ages in the administration of the law, and the rack and the torture were administered to the witnesses in order to make them testify, to men in order to make them confess; and women and daughters have been known to be tortured and to go to their death rather than testify against their husbands. Or else you open wide the door of perjury, because when you place either a good wife or a good husband upon the witness stand to testify in a criminal case against the husband or the wife, and you submit a question that will involve guilt, the wife, loving the husband better than anything else, who has served him all her life, devoted to him, is ready to risk her life to protect him, ready to go down into prison, even into the grave, to save him, even if he might be guilty, will not hesitate to commit the crime of perjury to save her husband; and instead of advancing the enforcement of the law, instead of giving the truth, you hold out inducements to the husband and wife either to refuse to testify and accept punishment at the hands of the court, or color that testimony, or really, in fact, not to state the truth and commit perjury.

It is well, Mr. Chairman, that we stay close to the beaten path in this sort of matters that have been marked out for us by wise men, under which the administration of the law in this sort of cases has been fairly satisfactory.

Therefore I shall not vote for the amendment of my friend from Arkansas [Mr. WINGO], which proposes in all cases to open wide the door in every sort of case for the admission of the testimony of the husband and wife.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CULLOP. Mr. Chairman, I have listened with a great deal of interest to the argument of the distinguished gentleman from Georgia [Mr. BARTLETT]——

Mr. WATKINS. Will the gentleman from Indiana permit an interruption there, in order that I may call his attention to a fact that evidently has escaped him? Will you permit me to ask a question?

Mr. CULLOP. Certainly.

Mr. WATKINS. This section 106 has already been amended so as to allow the State laws to apply in all these cases.

Mr. CULLOP. As I said, I am always glad to listen, and I do so with pleasure, to the arguments the gentleman from Georgia makes upon any question.

But now he has only presented one side of the proposition involved here. There is another side to it. The wife can be called as a witness in behalf of her husband under the statute as it is now, and the doorway is as wide open for the commission of perjury now as it would be if the amendment of the gentleman from Arkansas [Mr. WINGO] were adopted.

Mr. BARTLETT. Only in this class of cases, permit me to say.

Mr. CULLOP. Now, let me put this proposition: Suppose a wife has an infant in her arms that she loves dearer than her husband, and the husband kills the infant, and yet the mother can not go into the courthouse and, under a barbarous statute like this, testify against the inhumanity of her own husband and vindicate the outrage.

Suppose the mother has a son, a child by another marriage; the brutal husband may strike him down in cold blood, with no other witness but the wife and mother, and yet under the brutality of such a statute as this justice can not be done and the mother can not testify against the brutal conduct of her inhuman husband, and justice can not be administered. That is the kind of a doctrine that the gentleman from Georgia has just advocated that we here, in the twentieth century, should uphold in the most intelligent nation of all the world. Tell me that a law of that kind is reasonable, that it is fair to society and the best interests of a glorious Nation; that a nation that will tolerate it upon its statute books is moving forward to the high destiny in its administration of justice which the intelligence of its people require and the safety of its social fabric demands? Does not the evolution of the ages appeal to us to write on the pages of the statute books the progress in this respect, the solution of all experience in such matters? Tell me that a statute that would not let that wife testify against the brutal murderer of her infant that was helpless in her arms, which was perpetrated by her husband, should be kept upon the statute books in order to maintain an ancient custom, yea, a custom that would blacken the pages of the court of a Jeffreys when it was in its most ignominious career, in the ostensible administration of justice; a statute which will not let the wife testify without the consent of the husband charged with the heinous crime of striking down her offspring—the mother, because she is the wife—but that she must sit in silence, nurse her sorrow with her lips sealed, because the husband will not consent to her telling the truth? If we do, we commit a wrong against society and the administration of justice. Yea, gentlemen, we ought to break away from such an unpardonable

custom as that. We ought to strike down the shackles from the truth, bare the secrets, turn on the searchlight, and reveal the facts as they exist, and assist society and the advancement of civilization and demonstrate there is progress in the administration of the law in our courts in this enlightened period, as well as in other departments of the world; that the ancient customs and practices of an antiquated system are abolished and a new and better era has dawned to glorify the age in which we live.

But instead of that they say "Keep this antiquated statute of the Dark Ages upon the statute books for fear that we may make some new departure, and that we will make some progress in the courts of our country where progress is needed and where justice demands that it be made." We plead for a better procedure in the interests of society and the good order of our people.

Now, Mr. Chairman, in the interest of the administration of justice, in the interest of progress in the law, in the interest of society, in the interest of a people who are striving to administer justice for the better protection of their lives, persons, and property, for enhancement of the common good, let us adopt the amendment of the gentleman from Arkansas, and the lovers of law and the lovers of order and the lovers of justice will commend the act with more vigor and more enthusiasm than anything else you are writing in this statute here to-day. [Applause.] I know how slow some are in all legislation to depart from customs and habits of the past, but let me remind them that we are not now doing things as our fathers did them, but we are keeping step with the evolution of the times in every other department of life, but here in this, one of the most important, sacred institutions of all, we are behind in the great march of passing events, and following in the footsteps of the ancients, much to the detriment of our reputation for good order and the advancement of society. Woman occupies a different sphere in government to-day from that she occupied when this antiquated provision was first written into the law, and the new conditions require a different treatment of her status in our courts on this important proposition, and to remedy this inequality and rectify this wrong we most earnestly plead for this wholesome correction of the law defining her status for the protection of society and the improvement of social conditions, and the better administration of justice in our courts, which are ever the guardians of our social conditions and the protection of the lives, persons, and property of our citizens. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I would like to be recognized for five minutes, and I move to strike out the last word.

I want to call attention of gentlemen on the other side to this proposition. I am in favor of the amendment of the gentleman from Arkansas [Mr. WINGO]. I think it is indicative of the larger humanity and takes the larger view. I should like to have his attention, if he will give it to me. I favor the amendment because I think that is what we ought to come to; but it occurs to me, gentlemen, that if these words are stricken out, so that it shall apply to all crimes, that we should take back the action which the committee has taken by striking out the words "but shall not be compelled." I think it could hardly be asked now that we could compel the wife to testify against the husband in cases of all crime. If we give her that privilege, is not that taking a great step in advance, and is not that as far as we ought to go? The difficulty is now that we have stricken out these words "but shall not be compelled," and therefore the law as it would stand if we strike out these additional words would be to the effect that a woman will be compelled to testify against her husband or the husband compelled to testify against his wife in any case for any crime. I think that is perhaps going further than we ought to go. If our action can be taken with regard to striking out the words "but shall not be compelled," I shall be very glad, indeed, to support the amendment of the gentleman from Arkansas.

Mr. WINGO. Will the gentleman yield for a question right there?

Mr. TOWNER. Yes, sir.

Mr. WINGO. If the interpretation of some were correct, then your suggestion would be wise; but in view of the interpretation of the chairman of the committee of that statute, would we not then be in the same dilemma we were in when we started trying to amend it?

Mr. TOWNER. I think that is an indication, if the gentleman will pardon me, that the gentleman's interpretation is not right, and I do not believe it is shared by other gentlemen on the floor. I have not heard anybody else but the chairman of the committee take that view as to the interpretation of the statute. Let us do the right thing, and let us send this bill to the Senate as it ought to be. Do not let them have the credit of making these corrections. Do not let it be said it is necessary for the Senate to fix up a bill to correct the mistakes made by the House. Let us put back the words "or shall not be compelled," and strike out these words, "bigamy, polygamy, or unlawful cohabitation," and then we shall have placed ourselves upon defensible and advanced grounds, to which I think the other Chamber will follow.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WINGO. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 9, noes 12.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BRYAN. Mr. Chairman, I have an amendment there. I move to amend by striking out, beginning with the word "and," in line 15, down to the word "be" in line 18.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Page 66, line 15, strike out after the word "witness" the following language: "and may be called in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be."

Mr. BRYAN. That is the same proposition. I will not take up any time in debating it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BRYAN. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 6, noes 10.

So the amendment was rejected.

Mr. BRYAN. I think, Mr. Chairman, we ought to have a quorum on a matter of this kind.

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. STAFFORD. I hope the gentleman will not press that point. We have made no headway to-day. We ought to make headway on this very important business.

Mr. WINGO. I hope the gentleman will withdraw that. We are anxious to expedite business.

Mr. BRYAN. Can I have consent, Mr. Chairman, to leave this open for amendment, as was suggested a while ago, until next Wednesday?

Mr. WATKINS. I can not agree to that, Mr. Chairman. We have taken up enough time on the section to-day.

Mr. STAFFORD. I think the gentleman ought not to press his point. We ought to make some headway on this bill. Although it is a very hot day, we ought to go on for an hour or two.

Mr. BRYAN. Mr. Chairman, I will withdraw the point, but I will bring it up again in another place. There are only 12 Members on a side.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to line 16 for the purpose of restoring to the amendment the words "to testify," so that it will read "and may be called to testify in such proceeding." I think the gentleman from Missouri [Mr. BOOHER] struck out inadvertently the words "to testify" when he intended to strike out only the words following.

The CHAIRMAN. That is section 108?

Mr. STEPHENS of Texas. Yes; line 16, section 108; to restore the words "to testify."

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] offers an amendment which the Clerk will report.

The Clerk read as follows:

The amendment already adopted strikes out the words "but shall not be compelled to testify," in lines 15 and 16.

Mr. STEPHENS of Texas. That should be restored.

Mr. STAFFORD. The gentleman from Missouri [Mr. BOOHER] is here, and his opinion on the subject may be had.

Mr. STEPHENS of Texas. I desire to restore the words "to testify," two words that were stricken out. The gentleman from Missouri [Mr. BOOHER] consents to it.

Mr. WINGO. Mr. Chairman, I understand the proposition offered by the gentleman is to restore the words "to testify," stricken out a moment ago on the amendment of the gentleman from Missouri [Mr. BOOHER].

Mr. BRYAN. Mr. Chairman, I ask that the section be read as amended in that way.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. The committee having adopted an amendment, will it not be necessary before it can be changed to ask

unanimous consent to reconsider the vote whereby that amendment was adopted?

The CHAIRMAN. The Chair is of that opinion.

Mr. WATKINS. I suggest, Mr. Chairman, that if we have an amendment inserted, "to testify," after the word "compelled," it would have to be a separate and distinct amendment, and would not have reference to any amendment already passed.

Mr. STEPHENS of Texas. It would merely perfect the language.

Mr. STAFFORD. You are trying to incorporate some words that have heretofore been stricken out. The question is, Can the House go ahead with the proceeding of striking out a portion of a paragraph and then allowing some person to add some language that had been stricken out? In that way we shall never get anywhere. I ask unanimous consent that the vote heretofore taken on the amendment be vacated.

Mr. WINGO. The proposition now is to amend this section as it now stands by inserting the words "to testify" after the word "called."

The CHAIRMAN. The Chair understands that the gentleman from Missouri [Mr. BOOHER] offered to strike out the words, beginning on line 15 and ending on line 16, "but shall not be compelled to testify."

Mr. WINGO. That is correct.

The CHAIRMAN. That was stricken out, as the Chair understands. Now the proposition is to restore the words "to testify," that were stricken out.

Mr. WINGO. That is the practical effect; but the formal motion is an amendment to the section as it now stands by inserting the words "to testify" after the word "called." That would meet the technical objection raised by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. It is a question of procedure, Mr. Chairman. Supposing, then, some person would come around and make a motion to insert the word "compelled," if the Chair holds it in order to amend by adding the words "to testify." Then some person else comes along and inserts the word "be," until each word of that which was stricken out is reinserted. In that case the House would never get anywhere.

The CHAIRMAN. It is permissible to strike out the words in one place and insert them in another place. In this case the words were stricken out, but they are proposed to be put back in another place.

Mr. STAFFORD. No; they remain in the same place, Mr. Chairman. Let me direct the Chair's attention to this fact, that if the original motion of the gentleman from Missouri [Mr. BOOHER] had been to strike out merely the words "but shall not be compelled," leaving the words "to testify," then the purpose of this amendment would be accomplished. I wish to emphasize again the fact that if the Chair holds that it is now in order to do this the committee will never get anywhere. The first thing to do is to ask unanimous consent to return or to have it put in. It can not be offered as an amendment.

Mr. STEPHENS of Texas. I ask that the words "to testify" be inserted, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to restore the words "to testify." Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 111. In the trial of actions at law the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may on motion give the like judgment for the defendant as in cases of nonsuit, and if a defendant fails to comply with such order the court may on motion give judgment against him by default.

Mr. TOWNER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 7, after the word "in," insert the words "preparation for and at."

Mr. TOWNER. The effect of that amendment will be to make the section read:

In preparation for and at the trial of actions at law the courts of the United States may—

And so forth. I will say to the chairman of the committee that the reason for that is that this class of testimony, consisting of exhibits, books, and so forth, is as necessary before the grand jury and in a preliminary investigation as upon the trial of the case. This was called to my attention by a United States judge for the purpose of meeting that difficulty.

Mr. WATKINS. If there is to be no further discussion on this amendment, I will make no objection to it. If, however, the progress of the bill is to be retarded by discussing the amendment at length, I will have some observations to make on it.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 67, line 9, after the word "produce," insert the word "things."

Mr. TOWNER. The object of that amendment is merely to allow the introduction not only of books and writings but of things; for instance, in a prosecution for larceny or any other case where the thing itself or a weapon or something of that kind is necessary to be introduced, so that such "thing" may also be introduced in evidence.

Mr. WATKINS. If a comma is inserted after the word "things," I shall have no objection.

Mr. TOWNER. That may be done, Mr. Chairman.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 10, strike out the word "contain" and insert in lieu thereof the word "furnish."

Mr. TOWNER. The reason for that amendment is that the word "contain" refers only to books and writings. Of course, there are very many other objects of evidence of this character that may be introduced, and the word "furnish" is used so that it may be applicable to all kinds of testimony of this character.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 13, after the word "chancery," insert the words "or when approved by the court having jurisdiction over the action."

Mr. TOWNER. The object of that amendment will be apparent when I read the words as they will be with the amendment inserted:

In cases and under circumstances where they might be compelled to furnish the same by the ordinary rules of proceeding in chancery or when approved by the court having jurisdiction over the action.

In some cases the order of the court can not be effective unless that language is added. It is technical, of course.

Mr. BARTLETT. I move to strike out the last word. I do not quite get the purport of the gentleman's amendment. This refers to the production of books and papers?

Mr. TOWNER. Yes.

Mr. BARTLETT. This is the old law. Does the gentleman think it is wise to say that if a man fails to produce a book or paper, the opposite party shall have judgment, or nonsuit? Of course that is the present law.

Mr. TOWNER. This section has nothing to do with that.

Mr. BARTLETT. But that is the next paragraph.

Mr. TOWNER. This is only to give the court the power to compel the production of this kind of evidence in any case or proceeding where the court thinks it may be necessary for him so to do.

Mr. BARTLETT. Yes; but the next section provides that if the plaintiff fails to comply with the order, the court may give judgment for the defendant, or nonsuit, and if the defendant fails to comply the court may give judgment against him by default for failure to produce the books or papers. That is the law, as I understand.

Mr. TOWNER. That is the law now. The amendment does not change the rule.

Mr. BARTLETT. Your amendment does not change the rule, except to add another instance in which, if he fails to comply with the order, there may be judgment in favor of the other party.

Mr. TOWNER. If the gentleman will see, it does not even do that. It only allows the court to order the production of these things in a case that the court may have jurisdiction of, when he thinks it is necessary.

Mr. BARTLETT. Ordinarily the failure to produce a book or document gives the opposing party the right to produce secondary evidence of it. That is the rule. If the party having evidence within his control fails to produce it, that is a fact that may be considered injuriously to his case, and permits the party who calls for the evidence to adduce secondary evidence of it. This is a broader power, which permits the court, for the failure to produce testimony within the control of the party, to grant a nonsuit or judgment.

Mr. TOWNER. Yes; that will be the effect of a later paragraph.

Mr. BRYAN. The gentleman will note the section provides that these books and papers shall be furnished in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery, and the amendment adds——

Mr. TOWNER. Or when approved by the court having jurisdiction.

Mr. BRYAN. Is not that a mere matter of procedure? It provides that the books are to be brought in under the rules that are provided in courts of chancery, and when you extend it, does it not really make a limitation? If they are brought in under the chancery rules and you add something else, do not you complicate instead of simplify the procedure?

Mr. TOWNER. No; I think not. I can see no reason why it should have that effect.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. TOWNER) there were—ayes 4, noes 6.

So the amendment was lost.

The Clerk read as follows:

SEC. 113. The testimony of any witness may be taken in any civil cause depending in a district court by deposition de bene esse, when the witness lives at a greater distance from the place of trial than 100 miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than 100 miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or a superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public of the several States, Territories, and the District of Columbia, not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section in the same manner as witnesses may be compelled to appear and testify in court.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 68, line 2, after the word "or," strike out the words "out of the district in which the case is to be tried and."

Mr. WATKINS. Mr. Chairman, that is for the purpose of making it harmonize with other sections similar in character.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

The Clerk read as follows:

SEC. 122. When a commission to take the testimony of any witness, found within the District of Columbia, to be used in a suit depending in any State or Territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 73, line 15, after the word "the," strike out the word "commissioners" and insert the word "officer."

Mr. WATKINS. Mr. Chairman, that is to make it harmonize with other provisions and sections.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Louisiana.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

SEC. 126. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. The testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. When letters rogatory are addressed from any court of a foreign country to any district court of the United States, a United States commissioner designated by said court to make the examination of the witnesses mentioned in said letters shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts.

Mr. MADDEN. Mr. Chairman, I think that inasmuch as the weather is excessively warm and we have been here strenuously at work all day, and the further fact that a great many Members have engagements to attend to, a lot of mail to dispose of before they go home to dinner, we ought to rise, and I make the point of no quorum.

Mr. STAFFORD. Will not the gentleman withdraw that until this section can be perfected?

Mr. WATKINS. Mr. Chairman, I have three amendments to be offered to perfect the section. It is not my disposition to quit work at this time of the day. If the gentleman from Illinois had been here as closely as I have—for I have not had time to eat a lunch or go to get a drink of water—I might have acquiesced; but in view of the fact that this is the first time I have seen the gentleman here this afternoon, I do not feel that I can yield to his importunity.

Mr. MADDEN. I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Thirty-one Members are present, not a quorum.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

Mr. WATKINS. Mr. Chairman, there is a point made of no quorum, and the gentleman can not make the motion without that matter being determined.

The CHAIRMAN. The Chair understands that the Chair can entertain a motion that the committee rise at any time before the roll has begun to be called.

The question was taken on the motion of Mr. FOSTER, and, on a division, there were 17 ayes and 8 noes.

Mr. WATKINS. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Seven gentlemen have risen, not a sufficient number, and tellers are refused.

Mr. DONOVAN. Mr. Chairman, the other side.

The CHAIRMAN. There is no other side. The rule requires 20 Members, one-fifth of a quorum, and the committee determines to rise.

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SAMUEL W. SMITH, for 14 days on account of important business.

To Mr. TEN EYCK, indefinitely, on account of illness in his family.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3112. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.; to the Committee on Irrigation of Arid Lands.

THE MEXICAN SITUATION.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Mexican situation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. WINGO) there were 18 ayes and 8 noes.

So the motion was agreed to; accordingly (at 4 o'clock and 54 minutes) the House, under the special rule, adjourned until to-morrow, Thursday, May 28, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Wabash River, Ind. and Ill., from its mouth to Terre Haute, with a special report as to improving said river up to Mount Carmel by dredging (H. Doc. No. 1001); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Acting Secretary of the Treasury, submitting items of estimates for public buildings work and requesting that same be incorporated in the sundry civil appropriation bill for the fiscal year ending June 30, 1915 (H. Doc. No. 1000); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOWDLE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 718), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 1580) for the relief of John R. Norris, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co., reported the same with amendment, accompanied by a report (No. 719), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 16713) for the relief of Samson Davis, reported the same without amendment, accompanied by a report (No. 720), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 16874) to establish a fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEVENS of New Hampshire: A bill (H. R. 16875) to promote the safety of employees and passengers on railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: A bill (H. R. 16876) to regulate and control the manufacture, sale, and use of weights and measures and to be known as the "weights and measures act"; to the Committee on Coinage, Weights, and Measures.

By Mr. CARY: Resolution (H. Res. 527) directing the Commissioners of the District of Columbia to report by what legal authority the Washington & Old Dominion Railroad has erected and maintained a permanent building over and across Thirty-sixth and M Streets NW.; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 16877) granting a pension to Rebecca Crofts; to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16878) granting a pension to Susan C. Ogier; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16879) granting an increase of pension to Dennis Smith; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16880) for the relief of James Nichols; to the Committee on War Claims.

Also, a bill (H. R. 16881) granting a pension to Lizzie Burnet; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 16882) granting an increase of pension to William Whaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16883) granting an increase of pension to Hazlet A. Jacobs; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16884) granting a pension to Joshua W. Jewell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16885) granting a pension to Simon Shea; to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 16886) for the relief of Anthony, Eubanks & Co.; to the Committee on War Claims.

By Mr. GUERNSEY: A bill (H. R. 16887) granting a pension to Frances L. Campbell; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAND: A bill (H. R. 16888) granting a pension to Thomas Henry Cunningham; to the Committee on Pensions.

By Mr. O'LEARY: A bill (H. R. 16889) granting an increase of pension to Emma L. Ackley; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 16890) granting a pension to Martha A. Knapp; to the Committee on Pensions.

Also, a bill (H. R. 16891) to correct the military record of Albion P. Dyer; to the Committee on Military Affairs.

Also, a bill (H. R. 16892) to place upon the muster-in rolls the name of John O. Kinney; to the Committee on Military Affairs.

By Mr. TAVENNER: A bill (H. R. 16893) granting an increase of pension to John W. Sisk; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 16894) granting an increase of pension to Andrew R. Wade; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 16895) granting an increase of pension to William A. Badger; to the Committee on Invalid Pensions.

By Mr. BRYAN: A bill (H. R. 16896) for the relief of Col. Richard H. Wilson, United States Army; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Harrisburg, Pa.; Overpeck, Ohio; Wheeling, W. Va.; Windsor, Ill.; Brooklyn, N. Y.; White Haven, Pa.; Marceline, Mo.; Toledo, Ohio; Pesotum, Ill.; Jamestown, Pa.; Roswell, N. Mex.; Green Bay, Wis.; Bussey, Iowa; Mount Ayr, Iowa; and Khedive, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petitions of the Chamber of Commerce of Porto Rico, the Commercial Association of Porto Rico, and the Guild of Retail Merchants of San Juan, P. R., praying for the annulment of act No. 24, passed by the Legislative Assembly of Porto Rico on March 28, 1914; to the Committee on the Judiciary.

Also (by request), petitions of sundry voters of Maine, Massachusetts, Rhode Island, California, and Connecticut; the Central Union Mission, representing 9 people; the Northminster Presbyterian Church, representing 1,200 people; the Hamline Methodist Episcopal Church, representing 800 people; the Congress Heights Baptist Church, representing 96 people; the Epworth League of the Foundry Methodist Episcopal Church, representing 150 people, all of Washington, D. C., favoring national prohibition; to the Committee on Rules.

By Mr. ADAMSON: Papers to accompany House bill 16837, granting relief to James J. Coalson; to the Committee on Military Affairs.

Also, petition of the Chautauqua Association of Columbus, Ga., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of sundry citizens of Johnstown and of Cambria County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ: Petitions of 121 citizens of Lebanon, Ill., and sundry citizens of the twenty-second congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Paderborn, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of 29 citizens of Burbank, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of the Cigar Makers' Union of McSherrystown, Pa., against national prohibition; to the Committee on Rules.

Also, petitions of the Calvary Presbyterian Church, the Church of the Brethren, the Duke Street Methodist Episcopal Church, Judge Fah's Mission Church, the Fourth United Brethren Church, and the Grace Lutheran Church, all of York, Pa., against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CANTOR: Petition of 81 and more voters of the twentieth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Menomonee Falls, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of the Presbyterian Sunday School of Tracy, Cal., favoring censorship of moving pictures; to the Committee on Education.

Also, petitions of 102 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the First Congregational Church of Sacramento, Cal., praying for the favorable consideration of the Sheppard-Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Yolo County, Cal., praying for the favorable consideration of the Hobson-Sheppard national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the First Congregational Church of Woodland, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petitions of five drug companies of Sacramento, Cal., asking for the favorable consideration of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of John Wagner and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Chamber of Commerce and the Commercial Association of Porto Rico and the Guild of Retail Merchants of San Juan, P. R., praying for the annulment of act No. 24, passed by the Legislative Assembly of Porto Rico on March 22, 1914; to the Committee on the Judiciary.

By Mr. DEITRICK: Petitions of sundry citizens and voters of the State of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. GEORGE: Petition of 323 voters of the twenty-first congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of the Dedham (Mass.) Business Association and Board of Trade, favoring control, ownership, operation, etc., of steamship lines on Long Island Sound by the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Boot and Shoe Workers' Union of Boston and the Granite Cutters' International Association of America, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania Retail Jewelers' Association, of Pittsburgh, Pa., favoring passage of Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Petition of 400 citizens of Stuart, 700 citizens of Stuart, 19 citizens of Orient, 25 citizens of Orient, 13 citizens of Orient, and 11 citizens of Orient, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Petitions of 38 citizens of Alpha, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. IGOE: Protest by the Catholic Workingmen's Welfare Association, section 5, of St. Augustine's Parish, St. Louis, Mo., submitted by William Diemert, secretary, against pending prohibition resolutions and all similar measures; to the Committee on Rules.

Also, petitions of the Hunkius-Willis Lime & Cement Co. and the George T. Mathews Oil & Grease Co., of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the New England Butt Co., protesting against passage of House bill 15657, antitrust bills; to the Committee on the Judiciary.

Also, memorial of the Central Labor Union of Woonsocket, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Central Falls, R. I., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LOBECK: Petitions of Local Union No. 82, International Brotherhood of Stationary Firemen, of Omaha, Nebr., and 30 citizens of Douglas County, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of James Hughes and 8 other citizens of Thompsonville, Conn., favoring passage of House bill 5308, the Hinebaugh bill, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Dominick Bradley and Patrick Felletter, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of W. J. Dunlay & Co. and 13 other firms and citizens of New Britain, Conn., favoring passage of House bill 5308, the Hinebaugh bill, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MORGAN of Oklahoma: Petition of the Harper County Oklahoma Teachers' Association, representing 250 people; the Richison Valley Sunday School, representing 74 people; the Presbyterian Church, representing 100 people, of Amorita; the Pilgrim Congregational Church, representing 100 people, of Oklahoma City; a mass meeting at Oklahoma City, representing 250 people, all in the State of Oklahoma, favoring national prohibition amendment; to the Committee on Rules.

Also, petitions signed by various business men of Waukomis, Perry, Jefferson, Pond Creek, Newkirk, Manchester, and Enid, all in the State of Oklahoma, in support of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. NELSON: Petition of 16 citizens of Dane County, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Henry Alpers, president of the Tacoma Bottling Co., of San Francisco, Cal., and 61 other citizens of San Francisco, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. NORTON: Petition of the North Dakota Abstracters' Association, protesting against provisions of House bill 12585, a bill for the establishment of land banks; to the Committee on Banking and Currency.

Also, petition of Lars O. Hilde and others, of Wheelock, Schafer, and Wild Rose, all in the State of North Dakota, protesting against the passage of House bill 7826, the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, resolution of the Lisbon Commercial Club, of Lisbon, N. Dak., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Petitions of the United Liquor Dealers' Association and Louis Rowland and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Scandinavian Independent Progressive League of Greater New York, favoring passage of bill for memorial to John Ericsson; to the Committee on the Library.

By Mr. RAKER: Petition of Rev. Archibald Durrie, of Ione, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of the San Francisco Chamber of Commerce, San Francisco, Cal., favoring an appropriation for the transfer of the life-saving station at Coos Bay from its present location to a point nearer the entrance of the San Francisco Harbor, Cal.; to the Committee on Rivers and Harbors.

Also, petition from 23 members of the Young People's Christian Endeavor Society, of Angels Camp, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. SELLS: Papers to accompany a bill (H. R. 15751) granting a pension to John V. Everett; to the Committee on Pensions.

By Mr. THACHER: Petition of the Woman's Christian Temperance Union of Middleboro, Mass., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of the Jesse Lee Brotherhood and citizens of New Bedford, and citizens of Halifax and Wareham, Mass., relative to national prohibition; to the Committee on Rules.

By Mr. THOMAS: Petition of 349 citizens of Scottsville, Ky., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of 45 voters of the thirty-seventh New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, petitions of the Woman's Christian Temperance Union of Mecklenburg and Horseheads, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of S. C. Faust and 8 other citizens of Ashley, Ohio, protesting against the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on Rules.